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EXPLANATORY NOTE

The Residential Property Tax Reduction Act, 1972 provided for special assistance to old age pensioners receiving a federal Guaranteed Income Supplement in the form of \$50 and \$100 grants.

This form of assistance will be replaced for the 1973 and subsequent years by tax credits which will be available under *The Income Tax Act*.

BILL 139

1973

**An Act to amend and repeal
The Residential Property Tax Reduction Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 2 of *The Residential Property Tax Reduction Act, 1972*, being chapter 65 is amended by striking out “each year, including” in the first line. s. 2 (1),
amended
- (2) Subsection 2 of the said section 2 is amended by striking out “each year” in the sixth line and inserting in lieu thereof “1972” and by striking out “end of the year following the year in respect of which the application was made” in the seventh and eighth lines and inserting in lieu thereof “31st day of December, 1973”. s. 2 (2),
amended
2. Sections 3 and 4 of the said Act are repealed. ss. 3, 4,
repealed
3. *The Residential Property Tax Reduction Act, 1972*, being chapter 65, and section 1 of this Act, are repealed on the 1st day of January, 1974. Repeals
4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. This Act may be cited as *The Residential Property Tax Reduction Amendment and Repeal Act, 1973*. Short title

An Act to amend and repeal
The Residential Property Tax
Reduction Act, 1972

1st Reading

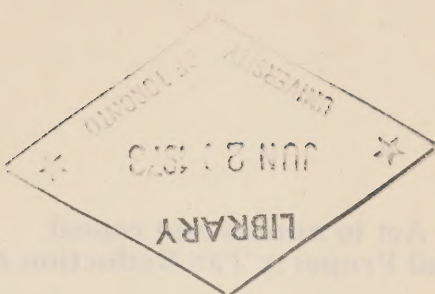
June 7th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)



CA20N

XB

-B 56

BILL 139

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend and repeal
The Residential Property Tax Reduction Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 139

1973

**An Act to amend and repeal
The Residential Property Tax Reduction Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 2 of *The Residential Property Tax Reduction Act, 1972*, being chapter 65 is amended by striking out “each year, including” in the first line. s. 2 (1),
amended
- (2) Subsection 2 of the said section 2 is amended by striking out “each year” in the sixth line and inserting in lieu thereof “1972” and by striking out “end of the year following the year in respect of which the application was made” in the seventh and eighth lines and inserting in lieu thereof “31st day of December, 1973”. s. 2 (2),
amended
2. Sections 3 and 4 of the said Act are repealed. ss. 3, 4,
repealed
3. *The Residential Property Tax Reduction Act, 1972*, being chapter 65, and section 1 of this Act, are repealed on the 1st day of January, 1974. Repeals
4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. This Act may be cited as *The Residential Property Tax Reduction Amendment and Repeal Act, 1973*. Short title

An Act to amend and repeal
The Residential Property Tax
Reduction Act, 1972

1st Reading

June 7th, 1973

2nd Reading

June 22nd, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CA20N

XB

-B 56

BILL 140

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Regional Municipal Grants Act

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The grant to a regional municipality providing its own policing is increased from \$3.25 to \$5.00 per capita and the grant to an area municipality providing its own policing is increased from \$1.75 to \$3.00 per capita.

SECTION 2. Complementary to section 1.

SECTION 3. Clause *b* is added and provides for payments to be made for a period of five years to municipalities, including newly-created regional municipalities, when they are affected by amalgamation or annexation, in order to minimize tax changes in such areas.

An Act to amend The Regional Municipal Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraphs 3 and 4 of section 2 of *The Regional Municipal Grants Act*, being chapter 405 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 64, section 1, are repealed and the following substituted therefor:
 3. \$5.00 per capita where a regional municipality is deemed to be a city for the purposes of *The Police Act*; ^{s. 2, pars. 3, 4, re-enacted} R.S.O. 1970, c. 351
 4. \$3.00 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.
2. Clauses *c* and *d* of subsection 1 of section 3 of the said Act, ^{s. 3 (1) (c, d), re-enacted} as re-enacted by the Statutes of Ontario, 1972, chapter 64, section 2, are repealed and the following substituted therefor:
 - (c) \$5.00 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; and
 - (d) \$3.00 in relation to each area municipality to which paragraph 4 of section 2 applies.
3. Subsection 2 of section 9 of the said Act, as enacted by the ^{s. 9 (2), re-enacted} Statutes of Ontario, 1971, chapter 73, section 1, is repealed and the following substituted therefor:
 - (2) The Lieutenant Governor in Council may, by order, ^{Special payments} provide for payments to be made,
 - (a) to The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton, The

Regional Municipality of York, The District Municipality of Muskoka and to any area municipality for a period not exceeding five years from the 23rd day of July, 1971; and

- (b) to any other local municipality or regional, metropolitan or district municipality affected by any amalgamation or annexation approved by the Minister, for a period of five years after the effective date of such amalgamation or annexation,

to minimize changes in the incidence of local taxation and to promote the development of services on a regional or district basis.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Regional Municipal Grants Amendment Act, 1973*.

Bill 110
An Act to amend
The Regional Municipal Grants Act

1st Reading

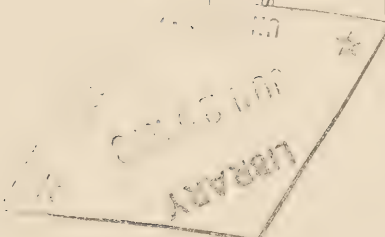
June 7th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)



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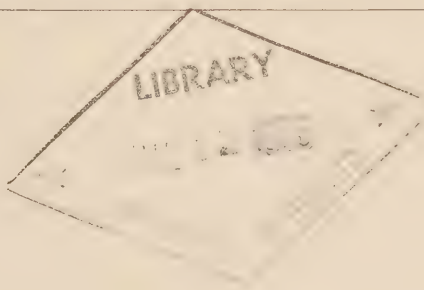
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BILL 140

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Regional Municipal Grants Act

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 140

1973

An Act to amend The Regional Municipal Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraphs 3 and 4 of section 2 of *The Regional Municipal Grants Act*,^{s. 2, pars. 3, 4, re-enacted} being chapter 405 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 64, section 1, are repealed and the following substituted therefor:
 3. \$5.00 per capita where a regional municipality is deemed to be a city for the purposes of *The Police Act*,^{R.S.O. 1970, c. 351}
 4. \$3.00 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.
2. Clauses *c* and *d* of subsection 1 of section 3 of the said Act,^{s. 3 (1) (c, d), re-enacted} as re-enacted by the Statutes of Ontario, 1972, chapter 64, section 2, are repealed and the following substituted therefor:
 - (c) \$5.00 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; and
 - (d) \$3.00 in relation to each area municipality to which paragraph 4 of section 2 applies.
3. Subsection 2 of section 9 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 73, section 1, is repealed^{s. 9 (2), re-enacted} and the following substituted therefor:
 - (2) The Lieutenant Governor in Council may, by order,^{Special payments} provide for payments to be made,
 - (a) to The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton, The

Regional Municipality of York, The District Municipality of Muskoka and to any area municipality for a period not exceeding five years from the 23rd day of July, 1971; and

- (b) to any other local municipality or regional, metropolitan or district municipality affected by any amalgamation or annexation approved by the Minister, for a period of five years after the effective date of such amalgamation or annexation,

to minimize changes in the incidence of local taxation and to promote the development of services on a regional or district basis.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Regional Municipal Grants Amendment Act, 1973*.

An Act to amend
The Regional Municipal Grants Act

1st Reading

June 7th, 1973

2nd Reading

June 15th, 1973

3rd Reading

June 15th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CA20N

XB

-B 56

BILL 141

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Municipal Unconditional Grants Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend
The Regional Municipal Grants Act

1st Reading

June 7th, 1973

2nd Reading

June 15th, 1973

3rd Reading

June 15th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CA20N
XB

BILL 141

Government Bill

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Municipal Unconditional Grants Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment provides that where a municipality loses a source of revenue which would materially affect the municipal tax to be imposed, the Minister may make a grant to the municipality not more than the revenue lost during a 5-year period.

SECTION 2. The unconditional grant to a municipality providing its own policing is increased from \$1.75 per capita to \$3.00.

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Unconditional Grants Act*, being chapter 293 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

8.—(1) Where the Minister is satisfied that a source of revenue that had previously been available to a municipality has ceased to be available to that municipality, and that the municipal taxes in the municipality would otherwise be unduly increased as a direct result of the source of revenue ceasing to be available, the Minister may by order make a grant to such municipality of an amount not greater than the amount of revenue that the municipality derived from that source in the year preceding the year in which the source of revenue ceased to be available.

(2) A grant may be made under this section in the year in which the source of revenue ceases to be available and in each of the four succeeding years.

2. Paragraph 2 of the Schedule to the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 63, section 3, is amended by striking out "\$1.75" in the sixth line and inserting in lieu thereof "\$3.00", so that the paragraph shall read as follows:

2. To each municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*,

\$3.00 per capita.

- | | |
|-------------------|--|
| Moneys | 3. The moneys required for the purposes of section 1 of this Act shall, until the 31st day of March, 1974, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. |
| Commence-
ment | 4. This Act shall be deemed to have come into force on the 1st day of January, 1973. |
| Short title | 5. This Act may be cited as <i>The Municipal Unconditional Grants Amendment Act, 1973</i> . |

An Act to amend
The Municipal Unconditional
Grants Act

1st Reading

June 7th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

(Government Bill)

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BILL 141

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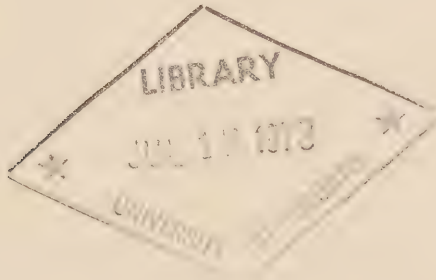
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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Municipal Unconditional Grants Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Unconditional Grants Act*, being chapter 293 of ^{s. 8, enacted} the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

8.—(1) Where the Minister is satisfied that a source of ^{Special grant} revenue that had previously been available to a municipality has ceased to be available to that municipality, and that the municipal taxes in the municipality would otherwise be unduly increased as a direct result of the source of revenue ceasing to be available, the Minister may by order make a grant to such municipality of an amount not greater than the amount of revenue that the municipality derived from that source in the year preceding the year in which the source of revenue ceased to be available.

(2) A grant may be made under this section in the year ^{Limitation period for grants} in which the source of revenue ceases to be available and in each of the four succeeding years.

2. Paragraph 2 of the Schedule to the said Act, as re-enacted ^{Schedule, par. 2, amended} by the Statutes of Ontario, 1972, chapter 63, section 3, is amended by striking out "\$1.75" in the sixth line and inserting in lieu thereof "\$3.00", so that the paragraph shall read as follows:

2. To each municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*,

\$3.00 per capita.

Moneys

3. The moneys required for the purposes of section 1 of this Act shall, until the 31st day of March, 1974, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-
ment

4. This Act shall be deemed to have come into force on the 1st day of January, 1973.

Short title

5. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1973*.

An Act to amend
The Municipal Unconditional
Grants Act

1st Reading

June 7th, 1973

2nd Reading

June 22nd, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

CA20N

XB

BILL 142

Government Bill

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ontario Education Capital Aid Corporation Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. This amendment is complementary to amendments to *The Ministry of Colleges and Universities Act*, 1971 and *The Ontario Universities Capital Aid Corporation Act*. The Ontario Universities Capital Aid Corporation will now purchase municipal debentures issued for public library purposes.

BILL 142

1973

**An Act to amend
The Ontario Education Capital Aid
Corporation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Education Capital Aid Corporation Act*, being chapter 310 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(c) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Inter-governmental Affairs.

2. Clause *b* of section 3 of the said Act is repealed. s. 3 (b),
repealed
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Ontario Education Capital Aid Corporation Amendment Act, 1973*. Short title

An Act to amend
The Ontario Education Capital Aid
Corporation Act

1st Reading

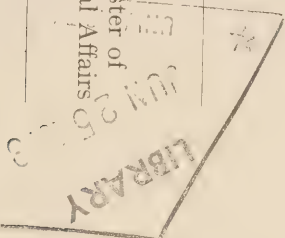
June 7th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)



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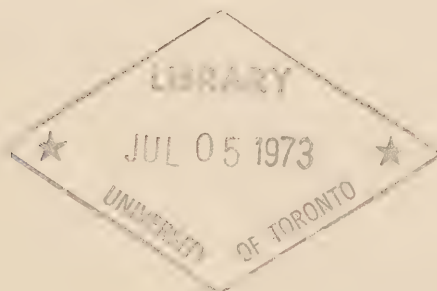
BILL 142

GOVERNMENT
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ontario Education Capital Aid Corporation Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 142

1973

**An Act to amend
The Ontario Education Capital Aid
Corporation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Education Capital Aid Corporation Act*, being chapter 310 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(c) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Inter-governmental Affairs.
2. Clause *b* of section 3 of the said Act is repealed.

s. 3 (b),
repealed
3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
4. This Act may be cited as *The Ontario Education Capital Aid Corporation Amendment Act, 1973*.

Short title

An Act to amend
The Ontario Education Capital Aid
Corporation Act

1st Reading

June 7th, 1973

2nd Reading

June 15th, 1973

3rd Reading

June 15th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CA20N

XB

-B 56

BILL 143

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ontario Universities Capital Aid Corporation Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill is in the main complementary to the Bill to amend *The Ontario Education Capital Aid Corporation Act*.

Previously debentures issued by municipalities for public library purposes were purchased by The Ontario Education Capital Aid Corporation. Since the Minister of Colleges and Universities will be determining the amount of capital expenditure of a municipality for public library purposes, the debentures to be issued for such purposes will now be purchased by The Ontario Universities Capital Aid Corporation.

The remaining amendments are consequential upon the reorganization of the Ministry of Colleges and Universities.

**An Act to amend
The Ontario Universities Capital Aid
Corporation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Ontario Universities Capital Aid Corporation Act*, being chapter 331 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (c) "Minister" means the Minister of Colleges and Universities;
 - (d) "municipality" means a metropolitan, district or regional municipality and a county, city, town, village, township or improvement district, and "municipal" has a corresponding meaning;
 - (e) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
 - (f) "university" means a university in Ontario designated under this Act by the Minister.
- 2.—(1) Clause *b* of section 2 of the said Act is amended by striking out "of University Affairs" in the first and second lines. s. 2 (b),
amended
 - (2) The said section 2, as amended by the Statutes of Ontario, 1971, chapter 39, section 1, is further amended by striking out "and" in the amendment of 1971, by adding "and" at the end of clause *c*, and by adding thereto the following clause:
 - (d) to municipalities which issue debentures for public library purposes.
- 3.—(1) Clause *a* of section 4 of the said Act is amended by striking out "of Education" in the third line. s. 4 (a),
amended

s. 4 (b),
amended

- (2) Clause *b* of the said section 4 is amended by striking out “of University Affairs” in the third and fourth lines.

s. 4,
amended

- (3) The said section 4, as amended by the Statutes of Ontario, 1971, chapter 39, section 2, is further amended by striking out “and” in the amendment of 1971, by adding “and” at the end of clause *c*, and by adding thereto the following clause:

- (d) to purchase from municipalities debentures issued by them for public library purposes approved by the Minister.

s. 11 (1),
amended

- 4.—(1) Subsection 1 of section 11 of the said Act is amended by striking out “*The Department of University Affairs Act*” in the second and third lines and inserting in lieu thereof “*The Ministry of Colleges and Universities Act, 1971*”, and by striking out “of University Affairs” in the sixth and seventh lines.

s. 11 (2),
amended

- (2) Subsection 2 of the said section 11 is amended by striking out “of Education” in the fifth line.

s. 11,
amended

- (3) The said section 11, as amended by the Statutes of Ontario, 1971, chapter 39, section 3, is further amended by adding thereto the following subsections:

Purchase of
municipal
debentures

- (4) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time purchase from any municipality debentures issued by such municipality for public library purposes approved by the Minister.

Approval and
validation
required

- (5) The Corporation shall not purchase any municipal debentures under the authority of this Act until,

R.S.O. 1970,
c. 323

- (a) the Ontario Municipal Board has issued its order pursuant to section 64 of *The Ontario Municipal Board Act* authorizing the municipality to proceed with the undertaking with respect to which the debentures are required; and

- (b) the municipality has had the debentures validated by the Ontario Municipal Board under sections 58, 59 and 60 of *The Ontario Municipal Board Act*.

s. 15 (c),
amended

5. Clause *c* of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 39, section 4, is amended by inserting after “universities” in the first line “municipalities”.

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment
7. This Act may be cited as *The Ontario Universities Capital Aid* Short title
Corporation Amendment Act, 1973.

An Act to amend
The Ontario Universities Capital
Aid Corporation Act

1st Reading

June 7th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)



3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ontario Universities Capital Aid Corporation Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 143

1973

**An Act to amend
The Ontario Universities Capital Aid
Corporation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Ontario Universities Capital Aid Corporation Act*, being chapter 331 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (c) "Minister" means the Minister of Colleges and Universities;
- (d) "municipality" means a metropolitan, district or regional municipality and a county, city, town, village, township or improvement district, and "municipal" has a corresponding meaning;
- (e) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (f) "university" means a university in Ontario designated under this Act by the Minister.

- 2.—(1) Clause *b* of section 2 of the said Act is amended by striking out "of University Affairs" in the first and second lines.

- (2) The said section 2, as amended by the Statutes of Ontario, 1971, chapter 39, section 1, is further amended by striking out "and" in the amendment of 1971, by adding "and" at the end of clause *c*, and by adding thereto the following clause:

- (d) to municipalities which issue debentures for public library purposes.

- 3.—(1) Clause *a* of section 4 of the said Act is amended by striking out "of Education" in the third line.

s. 4 (b),
amended

- (2) Clause *b* of the said section 4 is amended by striking out “of University Affairs” in the third and fourth lines.

s. 4,
amended

- (3) The said section 4, as amended by the Statutes of Ontario, 1971, chapter 39, section 2, is further amended by striking out “and” in the amendment of 1971, by adding “and” at the end of clause *c*, and by adding thereto the following clause:

- (d) to purchase from municipalities debentures issued by them for public library purposes approved by the Minister.

s. 11 (1),
amended

4. -(1) Subsection 1 of section 11 of the said Act is amended by striking out “*The Department of University Affairs Act*” in the second and third lines and inserting in lieu thereof “*The Ministry of Colleges and Universities Act, 1971*”, and by striking out “of University Affairs” in the sixth and seventh lines.

s. 11 (2),
amended

- (2) Subsection 2 of the said section 11 is amended by striking out “of Education” in the fifth line.

s. 11,
amended

- (3) The said section 11, as amended by the Statutes of Ontario, 1971, chapter 39, section 3, is further amended by adding thereto the following subsections:

Purchase of
municipal
debentures

- (4) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time purchase from any municipality debentures issued by such municipality for public library purposes approved by the Minister.

Approval and
validation
required

- (5) The Corporation shall not purchase any municipal debentures under the authority of this Act until,

R.S.O. 1970,
c. 323

- (a) the Ontario Municipal Board has issued its order pursuant to section 64 of *The Ontario Municipal Board Act* authorizing the municipality to proceed with the undertaking with respect to which the debentures are required; and

- (b) the municipality has had the debentures validated by the Ontario Municipal Board under sections 58, 59 and 60 of *The Ontario Municipal Board Act*.

s. 15 (c),
amended

5. Clause *c* of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 39, section 4, is amended by inserting after “universities” in the first line “municipalities”.

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment
7. This Act may be cited as *The Ontario Universities Capital Aid* Short title
Corporation Amendment Act, 1973.

An Act to amend
The Ontario Universities Capital
Aid Corporation Act

1st Reading

June 7th, 1973

2nd Reading

June 15th, 1973

3rd Reading

June 15th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Ontario Transportation Development Corporation**

THE HON. G. CARTON
Minister of Transportation and Communications

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes a Corporation with share capital to acquire, test and develop transit systems related to public transportation.

The share structure of the Corporation is divided into twenty million common shares without par value and fifty thousand special shares with a par value of \$100 each.

Limitations are placed on the extent of individual ownership and non-resident ownership of equity shares of the Corporation and a majority of the Board of Directors is required to be resident Canadians.

An Act to establish The Ontario Transportation Development Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means The Ontario Transportation Development Corporation;
- (c) "equity share" has the same meaning as in *The Business Corporations Act*; R.S.O. 1970,
c. 53
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "resident Canadian" has the same meaning as in *The Business Corporations Act*;
- (f) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2. Except as herein otherwise provided, *The Business Corporations Act* applies to the Corporation. Application
of R.S.O. 1970
c. 53

PART II

THE ONTARIO TRANSPORTATION DEVELOPMENT CORPORATION

INCORPORATION

3.—(1) There is hereby established a corporation with share capital under the name of "The Ontario Transportation Development Corporation". Incorporation

Board of
Directors

(2) There shall be a Board of Directors of the Corporation consisting of nine members and the first directors of the Corporation shall be appointed by the Lieutenant Governor in Council to hold office until their successors are elected by the shareholders of the Corporation.

Seat in
Assembly not
vacated
R.S.O. 1970,
c. 240

(3) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed or elected as a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

OBJECTS OF THE CORPORATION

Corporate
objects

4. The objects of the Corporation are,

- (a) to acquire, develop, adapt, use and license patents, inventions, designs and systems for all or any part of transit systems related to public transportation and rights and interests therein or thereto;
- (b) to encourage and assist in the creation, development and diversification of Canadian businesses, resources, properties and research facilities related to public transportation;
- (c) to undertake the design, development, construction, testing, operation, manufacture and sale of all or any part of transit systems related to public transportation;
- (d) to test or operate and to provide services and facilities for all or any part of transit systems related to public transportation and in connection therewith to build, establish, maintain and operate, in Ontario or elsewhere, alone or in conjunction with others, either on its own behalf or as agent for others, all services and facilities expedient or useful for such purposes, using and adapting any improvement or invention for any means of public transportation;
- (e) to manufacture vehicles and control, propulsion and guideway systems and their appurtenances and other instruments and plant used in connection with transit systems related to public transportation as the Corporation may consider advisable and to acquire, purchase, sell, license or lease the same and rights relating thereto, and to build, establish, construct, acquire, lease, maintain, operate, sell or

let all or any part of transit systems related to public transportation in Ontario or elsewhere; and

- (f) to carry on any other trade or business that, in the opinion of the Board, can be carried on advantageously by the Corporation in connection with or as ancillary to the carrying out of the objects of the Corporation set out in clauses *a*, *b*, *c*, *d* and *e*.

CAPITALIZATION

5.—(1) The authorized capital of the Corporation is ^{Authorized capital} divided into,

- (a) 20,000,000 common shares without par value, to be issued for such consideration as the Board may from time to time determine; and
- (b) 50,000 special shares with a par value of one hundred dollars each, which may be issued in one or more series and, subject to the provisions of subsections 2, 3, 4 and 5 and to the filing of the statement and the issuance of the certificate in respect thereof referred to in subsection 2 of section 30 of *The Business Corporations Act*, the Board may fix from time to time before the issuance of a series the number of shares that is to comprise each series and the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to each series of special shares. ^{R.S.O. 1970, c. 53}

(2) The holders of the special shares shall not be entitled ^{Voting} to vote at any meetings of the shareholders of the Corporation other than the meetings referred to in subsection 5 but shall be entitled to notice of meetings of shareholders called for the purpose of authorizing the dissolution of the Corporation or the sale of its undertaking or a substantial part thereof and at all meetings of shareholders the holders of common shares shall be entitled to one vote for each common share held by them.

(3) The special shares of each series shall rank on a parity ^{Ranking of series of shares} with the special shares of every other series with respect to payment of dividends and distribution of assets in the event of the liquidation, dissolution or winding up of the Corporation whether voluntary or involuntary.

(4) If the special shares of any series are made redeemable ^{Redemption of shares} or purchaseable for cancellation by the Corporation, the

price at which such shares may be redeemed or purchased for cancellation shall not exceed the amount paid-up on such shares together with a premium of not more than 20 per cent of that amount and any dividends accrued and unpaid on such shares.

Variation
of rights
of special
shareholders

(5) Subject to the provisions of subsections 2, 3 and 4, the Board, by a special resolution, may delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to a series of the special shares but the resolution is not effective until,

(a) it has been confirmed by at least two-thirds of the votes cast at a meeting of the holders of such series of shares duly called for that purpose and at the meeting the holders of shares of such series shall be entitled to one vote in respect of each share held of such series; and

(b) a certificate of amendment has been issued pursuant to section 191 of *The Business Corporations Act*.

R.S.O. 1970,
c. 53

HEAD OFFICE

Head
office

6. The head office of the Corporation shall be in The Municipality of Metropolitan Toronto.

BOARD OF DIRECTORS

Majority
to be
resident
Canadians

7. A majority of the members of the Board shall at all times be resident Canadians.

BORROWING POWERS

Borrowing
powers

8. The Board may from time to time,

(a) borrow money upon the credit of the Corporation;

(b) issue, sell or pledge debt obligations of the Corporation;

(c) charge, mortgage, hypothec or pledge all or any currently owned or subsequently acquired real or personal, movable or immovable property of the Corporation including book debts, rights, powers, franchises and undertakings, to secure any debt obligations or any money borrowed or other debt or liability of the Corporation; and

- (d) delegate the powers conferred on it under this section to such directors or officers of the Corporation and to such extent and manner as is set out in the by-laws or in specific resolutions of the Board.

REGISTERS

9.—(1) The Corporation shall appoint a registrar to keep ^{Register of security holders} at a location in the Province of Ontario the register of security holders of the Corporation.

(2) The Corporation shall appoint a transfer agent to ^{Register of transfers} keep at a location in the Province of Ontario the register of transfers of all securities issued by the Corporation in registered form.

VOTING OF SHARES

10.—(1) The voting rights pertaining to any shares of ^{Voting rights not to be exercised in certain cases} the Corporation shall not be exercised when the shares are held in contravention of this Act or the by-laws of the Corporation.

(2) The validity of a transfer of shares of the Corporation ^{Transfer and allotment of shares held in contravention of Act} that has been recorded in a register of transfers of the Corporation or the validity of an allotment of shares of the Corporation is not affected by the holding of such shares in contravention of this Act or the by-laws of the Corporation.

(3) If the voting rights pertaining to any shares of the ^{Voting of shares held in contravention of Act} Corporation that are held in contravention of this Act or the by-laws of the Corporation are exercised at any meeting of the shareholders of the Corporation, no proceeding at that meeting is void by reason thereof, but any such proceeding, matter or thing is, at any time within one year from the date of commencement of the meeting at which such voting rights were exercised, voidable at the option of the directors and shareholders by a by-law duly passed by the Board and sanctioned by two-thirds of the votes cast at a special general meeting of the shareholders called for the purpose.

PURCHASE OF COMMON SHARES

11. Subject to the provisions of *The Business Corporations Act*, the Corporation may purchase any of its issued common ^{Purchase of common shares} shares.
 R.S.O. 1970, c. 53

NON-APPLICATION OF CERTAIN PROVISIONS OF *The Business Corporations Act*

12. Except for the purposes of subsection 5 of section 5, ^{Provisions not to apply} the provisions of sections 189 to 254 of *The Business Cor-*

R.S.O. 1970,
c. 53

porations Act do not apply to the Corporation and the Corporation shall not enter into any arrangement, amalgamation, continuation, winding-up or dissolution within the meaning of *The Business Corporations Act*.

GENERAL

Not Crown
agency
R.S.O. 1970,
c. 100

13. The Corporation is not an agent of Her Majesty nor a Crown agency within the meaning of *The Crown Agency Act*.

Interpre-
tation

14.—(1) In this section, “non-resident” means any person other than a resident Canadian, a corporation controlled by resident Canadians, Her Majesty in right of Canada, Ontario or any other province of Canada or an agent or nominee of Her Majesty.

Equity shares
owned or
controlled
by non-
residents

(2) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction shall not at any time exceed 10 per cent of the total number of issued and outstanding equity shares of the Corporation.

Limit of
individual
ownership of
equity shares

(3) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by any person or over which he exercises control or direction shall not at any time exceed 5 per cent of the total number of issued and outstanding equity shares of the Corporation.

Idem

(4) Subsection 3 does not apply in respect of any equity shares of the Corporation beneficially owned by Her Majesty in right of Canada, Ontario or any other province of Canada or by an agent or nominee of Her Majesty.

Where person
deemed
beneficial
owner of
equity shares
R.S.O. 1970,
c. 53

(5) For the purposes of this section, a person shall be deemed to own beneficially any equity shares of the Corporation owned beneficially by any associate or affiliate of such person as such terms are defined in *The Business Corporations Act*.

Controlled
corporation

(6) For the purposes of this section, a corporation is controlled by another corporation, individual or trust if it is in fact effectively controlled by such other corporation, individual or trust, directly or indirectly, or through the holding of shares of the corporation or any other corporation, or through the holding of a significant portion of the preferred shares of a corporation or of the outstanding debt of a corporation or individual, or by any other means whether of a like or different nature.

PART III

ONTARIO PARTICIPATION

15.—(1) The Minister shall from time to time subscribe ^{Shares may be acquired by Ontario} for, purchase and hold shares of the Corporation on behalf of Her Majesty in right of Ontario and such holdings at all times shall be a majority of the outstanding shares of the Corporation.

(2) Shares of the Corporation purchased on behalf of ^{Idem, registration and voting} Her Majesty in right of Ontario shall be registered in the books of the Corporation in the name of Her Majesty in right of Ontario as represented by the Minister and may be voted by the Minister or his duly authorized nominee on behalf of Her Majesty in accordance with such regulations as the Lieutenant Governor in Council may prescribe.

16. The Treasurer of Ontario, with the approval of the ^{Authority to loan moneys to Corporation} Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Corporation and may acquire and hold debt obligations of the Corporation as evidence thereof.

PART IV

MISCELLANEOUS

17. The Lieutenant Governor in Council may make regula- ^{Regulations} tions respecting any matter that he considers necessary relating to,

- (a) the voting by the Minister or his duly authorized nominee in respect of shares of the Corporation held by the Minister;
- (b) terms and conditions that shall apply to the making of loans to the Corporation by the Treasurer of Ontario.

18. This Act comes into force on the day it receives ^{Commence- ment} Royal Assent.

19. This Act may be cited as *The Ontario Transportation* ^{Short title} *Development Corporation Act, 1973.*

An Act to establish
The Ontario Transportation
Development Corporation

1st Reading

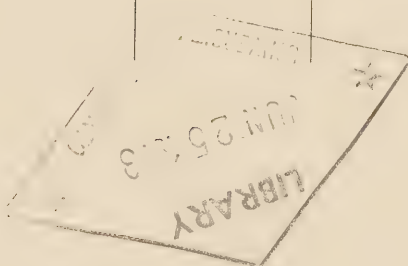
June 7th, 1973

2nd Reading

3rd Reading

THE HON. G. CARTON
Minister of Transportation and
Communications

(*Government Bill*)



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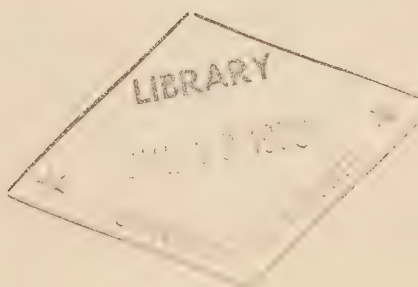
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BILL 144

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Ontario Transportation Development Corporation**

THE HON. G. CARTON
Minister of Transportation and Communications



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 144

1973

An Act to establish The Ontario Transportation Development Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means The Ontario Transportation Development Corporation;
- (c) "equity share" has the same meaning as in *The Business Corporations Act*; R.S.O. 1970,
c. 53
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "resident Canadian" has the same meaning as in *The Business Corporations Act*;
- (f) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Inter-governmental Affairs.

2. Except as herein otherwise provided, *The Business Corporations Act* applies to the Corporation. Application
of R.S.O. 1970,
c. 53

PART II

THE ONTARIO TRANSPORTATION DEVELOPMENT CORPORATION

INCORPORATION

3.—(1) There is hereby established a corporation with share capital under the name of "The Ontario Transportation Development Corporation". Incorporation

Board of
Directors

(2) There shall be a Board of Directors of the Corporation consisting of nine members and the first directors of the Corporation shall be appointed by the Lieutenant Governor in Council to hold office until their successors are elected by the shareholders of the Corporation.

Seat in
Assembly not
vacated
R.S.O. 1970,
c. 240

(3) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed or elected as a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

OBJECTS OF THE CORPORATION

Corporate
objects

4. The objects of the Corporation are,

- (a) to acquire, develop, adapt, use and license patents, inventions, designs and systems for all or any part of transit systems related to public transportation and rights and interests therein or thereto;
- (b) to encourage and assist in the creation, development and diversification of Canadian businesses, resources, properties and research facilities related to public transportation;
- (c) to undertake the design, development, construction, testing, operation, manufacture and sale of all or any part of transit systems related to public transportation;
- (d) to test or operate and to provide services and facilities for all or any part of transit systems related to public transportation and in connection therewith to build, establish, maintain and operate, in Ontario or elsewhere, alone or in conjunction with others, either on its own behalf or as agent for others, all services and facilities expedient or useful for such purposes, using and adapting any improvement or invention for any means of public transportation;
- (e) to manufacture vehicles and control, propulsion and guideway systems and their appurtenances and other instruments and plant used in connection with transit systems related to public transportation as the Corporation may consider advisable and to acquire, purchase, sell, license or lease the same and rights relating thereto, and to build, establish, construct, acquire, lease, maintain, operate, sell or

let all or any part of transit systems related to public transportation in Ontario or elsewhere; and

- (f) to carry on any other trade or business that, in the opinion of the Board, can be carried on advantageously by the Corporation in connection with or as ancillary to the carrying out of the objects of the Corporation set out in clauses *a*, *b*, *c*, *d* and *e*.

CAPITALIZATION

5.—(1) The authorized capital of the Corporation is ^{Authorized capital} divided into,

- (a) 20,000,000 common shares without par value, to be issued for such consideration as the Board may from time to time determine; and
- (b) 50,000 special shares with a par value of one hundred dollars each, which may be issued in one or more series and, subject to the provisions of subsections 2, 3, 4 and 5 and to the filing of the statement and the issuance of the certificate in respect thereof referred to in subsection 2 of section 30 of *The Business Corporations Act*, the Board may fix from time to time before the issuance of a series the number of shares that is to comprise each series and the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to each series of special shares. ^{R.S.O. 1970, c. 53}

(2) The holders of the special shares shall not be entitled ^{Voting} to vote at any meetings of the shareholders of the Corporation other than the meetings referred to in subsection 5 but shall be entitled to notice of meetings of shareholders called for the purpose of authorizing the dissolution of the Corporation or the sale of its undertaking or a substantial part thereof and at all meetings of shareholders the holders of common shares shall be entitled to one vote for each common share held by them.

(3) The special shares of each series shall rank on a parity ^{Ranking of series of shares} with the special shares of every other series with respect to payment of dividends and distribution of assets in the event of the liquidation, dissolution or winding up of the Corporation whether voluntary or involuntary.

(4) If the special shares of any series are made redeemable ^{Redemption of shares} or purchaseable for cancellation by the Corporation, the

price at which such shares may be redeemed or purchased for cancellation shall not exceed the amount paid-up on such shares together with a premium of not more than 20 per cent of that amount and any dividends accrued and unpaid on such shares.

Variation
of rights
of special
shareholders

(5) Subject to the provisions of subsections 2, 3 and 4, the Board, by a special resolution, may delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to a series of the special shares but the resolution is not effective until,

(a) it has been confirmed by at least two-thirds of the votes cast at a meeting of the holders of such series of shares duly called for that purpose and at the meeting the holders of shares of such series shall be entitled to one vote in respect of each share held of such series; and

R.S.O. 1970,
c. 53

(b) a certificate of amendment has been issued pursuant to section 191 of *The Business Corporations Act*.

HEAD OFFICE

Head
office

6. The head office of the Corporation shall be in The Municipality of Metropolitan Toronto.

BOARD OF DIRECTORS

Majority
to be
resident
Canadians

7. A majority of the members of the Board shall at all times be resident Canadians.

BORROWING POWERS

Borrowing
powers

8. The Board may from time to time,

- (a) borrow money upon the credit of the Corporation;
- (b) issue, sell or pledge debt obligations of the Corporation;
- (c) charge, mortgage, hypothec or pledge all or any currently owned or subsequently acquired real or personal, movable or immovable property of the Corporation including book debts, rights, powers, franchises and undertakings, to secure any debt obligations or any money borrowed or other debt or liability of the Corporation; and

- (d) delegate the powers conferred on it under this section to such directors or officers of the Corporation and to such extent and manner as is set out in the by-laws or in specific resolutions of the Board.

REGISTERS

9.—(1) The Corporation shall appoint a registrar to keep ^{Register of security holders} at a location in the Province of Ontario the register of security holders of the Corporation.

(2) The Corporation shall appoint a transfer agent to ^{Register of transfers} keep at a location in the Province of Ontario the register of transfers of all securities issued by the Corporation in registered form.

VOTING OF SHARES

10.—(1) The voting rights pertaining to any shares of the Corporation shall not be exercised when the shares are held in contravention of this Act or the by-laws of the Corporation. ^{Voting rights not to be exercised in certain cases}

(2) The validity of a transfer of shares of the Corporation that has been recorded in a register of transfers of the Corporation or the validity of an allotment of shares of the Corporation is not affected by the holding of such shares in contravention of this Act or the by-laws of the Corporation. ^{Transfer and allotment of shares held in contravention of Act}

(3) If the voting rights pertaining to any shares of the Corporation that are held in contravention of this Act or the by-laws of the Corporation are exercised at any meeting of the shareholders of the Corporation, no proceeding at that meeting is void by reason thereof, but any such proceeding, matter or thing is, at any time within one year from the date of commencement of the meeting at which such voting rights were exercised, voidable at the option of the directors and shareholders by a by-law duly passed by the Board and sanctioned by two-thirds of the votes cast at a special general meeting of the shareholders called for the purpose. ^{Voting of shares held in contravention of Act}

PURCHASE OF COMMON SHARES

11. Subject to the provisions of *The Business Corporations Act*, the Corporation may purchase any of its issued common shares. ^{Purchase of common shares R.S.O. 1970, c. 53}

NON-APPLICATION OF CERTAIN PROVISIONS OF *The Business Corporations Act*

12. Except for the purposes of subsection 5 of section 5, the provisions of sections 189 to 254 of *The Business Cor-* ^{Provisions not to apply}

R.S.O. 1970,
c. 53

porations Act do not apply to the Corporation and the Corporation shall not enter into any arrangement, amalgamation, continuation, winding-up or dissolution within the meaning of *The Business Corporations Act*.

GENERAL

Not Crown
agency
R.S.O. 1970,
c. 100

13. The Corporation is not an agent of Her Majesty nor a Crown agency within the meaning of *The Crown Agency Act*.

Interpre-
tation

14.—(1) In this section, “non-resident” means any person other than a resident Canadian, a corporation controlled by resident Canadians, Her Majesty in right of Canada, Ontario or any other province of Canada or an agent or nominee of Her Majesty.

Equity shares
owned or
controlled
by non-
residents

(2) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction shall not at any time exceed 10 per cent of the total number of issued and outstanding equity shares of the Corporation.

Limit of
individual
ownership of
equity shares

(3) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by any person or over which he exercises control or direction shall not at any time exceed 5 per cent of the total number of issued and outstanding equity shares of the Corporation.

Idem

(4) Subsection 3 does not apply in respect of any equity shares of the Corporation beneficially owned by Her Majesty in right of Canada, Ontario or any other province of Canada or by an agent or nominee of Her Majesty.

Where person
deemed
beneficial
owner of
equity shares
R.S.O. 1970,
c. 53

(5) For the purposes of this section, a person shall be deemed to own beneficially any equity shares of the Corporation owned beneficially by any associate or affiliate of such person as such terms are defined in *The Business Corporations Act*.

Controlled
corporation

(6) For the purposes of this section, a corporation is controlled by another corporation, individual or trust if it is in fact effectively controlled by such other corporation, individual or trust, directly or indirectly, or through the holding of shares of the corporation or any other corporation, or through the holding of a significant portion of the preferred shares of a corporation or of the outstanding debt of a corporation or individual, or by any other means whether of a like or different nature.

PART III

ONTARIO PARTICIPATION

15.—(1) The Minister shall from time to time subscribe ^{Shares may be acquired by Ontario} for, purchase and hold shares of the Corporation on behalf of Her Majesty in right of Ontario and such holdings at all times shall be a majority of the outstanding shares of the Corporation.

(2) Shares of the Corporation purchased on behalf of ^{Idem, registration and voting} Her Majesty in right of Ontario shall be registered in the books of the Corporation in the name of Her Majesty in right of Ontario as represented by the Minister and may be voted by the Minister or his duly authorized nominee on behalf of Her Majesty in accordance with such regulations as the Lieutenant Governor in Council may prescribe.

16. The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms and ^{Authority to loan moneys to Corporation} conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Corporation and may acquire and hold debt obligations of the Corporation as evidence thereof.

PART IV

MISCELLANEOUS

17. The Lieutenant Governor in Council may make regula- ^{Regulations} tions respecting any matter that he considers necessary relating to,

- (a) the voting by the Minister or his duly authorized nominee in respect of shares of the Corporation held by the Minister;
- (b) terms and conditions that shall apply to the making of loans to the Corporation by the Treasurer of Ontario.

18. This Act comes into force on the day it receives ^{Commence-ment} Royal Assent.

19. This Act may be cited as *The Ontario Transportation* ^{Short title} *Development Corporation Act, 1973.*

An Act to establish
The Ontario Transportation
Development Corporation

1st Reading

June 7th, 1973

2nd Reading

June 12th, 1973

3rd Reading

June 21st, 1973

THE HON. G. CARTON
Minister of Transportation and
Communications

CA20N

XB

-B 56

| BILL 145

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Public Transportation and Highway Improvement Act**

THE HON. G. CARTON
Minister of Transportation and Communications

EXPLANATORY NOTES

SECTION 1. The amendment is complementary to the amendments that follow in this Bill.

SECTION 2. The purpose of the section is to make valid the rights of the Crown affecting land in respect of drainage of water that are analogous to easements and to make the rights, interests, covenants and conditions of the instruments creating them binding upon the successors of the parties to the instruments.

The purpose of proposed section 2*b* is to revise the titles of officers of the Ministry who may sign plans and other instruments required by *The Expropriations Act* or this Act. The duty of signing applies to more than one type of plan or instrument and in the interest of clarity the duty of signing is assigned by a separate section.

**An Act to amend
The Public Transportation
and Highway Improvement Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The heading to Part I of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Part I,
heading,
re-enacted

“LAND ACQUISITION, HIGHWAYS AND OTHER WORKS”.

2. The said Act is amended by adding thereto the following sections:

ss. 2a, 2b,
enacted

2a.—(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto in favour of the Crown, in respect of any highway or other works under the jurisdiction and control of the Ministry, is valid and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Crown.

Instruments
creating
rights
analogous to
easements

(2) On and after the registration of an instrument to which subsection 1 applies in the proper land registry office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument.

Terms of
instrument
binding on
successors

(3) A party to an instrument to which subsection 1 applies or a person to whom subsection 2 applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein

Liability of
grantor for
breach of
covenant
limited

mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument.

Land to remain subject to instrument when sold for taxes

(4) Where the land mentioned in an instrument to which subsection 1 applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument.

Application

(5) This section applies, notwithstanding that such right, interest, covenant or condition was granted or created by or contained in an instrument executed before the date this section comes into force.

Persons who may sign plans R.S.O. 1970, c. 154

2b.—(1) Where this Act or *The Expropriations Act* requires a plan or other instrument under this Act, other than an order in council mentioned in section 5 or 33, to be registered in the proper land registry office or deposited with the Minister of Natural Resources, the plan or instrument shall be signed by an Ontario Land Surveyor and one of the following:

1. The Minister.
2. The Deputy Minister.
3. An Assistant Deputy Minister of the Ministry.
4. The Chief Surveyor of the Ministry.

s. 3, re-enacted

3. Section 3 of the said Act is repealed and the following substituted therefor:

Crown Land Plans

3.—(1) Where the Minister desires to acquire any Crown lands, not under the jurisdiction and control of the Ministry that he considers necessary for the purposes of the Ministry, he shall deposit with the Minister of Natural Resources and register in the proper land registry office a plan of the land to be known and marked "Crown Land Plan" and thereupon the land is under the jurisdiction and control of the Ministry.

Crown land no longer required

(2) Where the jurisdiction and control of Crown lands is no longer required by the Ministry, the Minister may, with the approval of the Minister of Natural Resources, by a writing deposited with the Minister of Natural Resources and registered in the proper land registry office, declare that the jurisdiction and control of the land is no longer required and thereupon such land is under the jurisdiction and control of the Ministry of Natural Resources.

SECTION 3. This section revises the procedural sections used by the Ministry for appropriating jurisdiction and control over ungranted and other Crown lands under the legislative jurisdiction of Ontario. The power of the Minister in this has been expanded to enable him to acquire such lands as he considers necessary for the purposes of the Ministry.

SECTION 4. The new subsection 2 provides authorization for the registration of orders in council made pursuant to section 5 of the Act.

SECTION 5. The amendment removes provisions as to the signing of plans since these will now be in section 2*b* of the Act.

The amendment also provides for reference to existing registered plans in order to avoid duplication of plans in the land registry offices.

SECTION 6. The purpose of the amendment is to expand the application of section 9 of the Act to all modes of transportation in place of the present application to highways.

Subsection 2 of section 9 of the Act is repealed since the signing provisions contained in it will now be provided for in the new section 2*b* of the Act.

4. Section 5 of the said Act is amended by adding thereto the ^{s. 5, amended} following subsection:

(2) The order in council designating a highway or proposed ^{Registration of order in council} highway as The King's Highway shall be registered in the proper land registry office and any such order in council heretofore registered shall be deemed to have been required to be so registered.

5. Section 6 of the said Act is repealed and the following sub-^{s. 6, re-enacted}stituted therefor:

6.—(1) Where the Minister desires to acquire an existing ^{Procedure for acquiring a highway} highway, he shall register in the proper land registry office,

(a) a plan of the highway to be known as and marked ^{Assumption Plan} "Assumption Plan"; or

(b) a notice to be known as and marked ^{Notice of Assumption} "Notice of Assumption" referring to a plan of the highway registered in the proper land registry office,

and thereupon the highway vests in the Crown and the Minister forthwith shall give notice in writing of such vesting to any municipality concerned.

(2) The Minister, before registering an "Assumption Plan", ^{Preliminary Assumption Plan} may register in the proper land registry office, a preliminary plan of the highway to be known as and marked "Preliminary Assumption Plan", and such Preliminary Assumption Plan when registered has the same force and effect as an Assumption Plan registered under subsection 1, but an Assumption Plan of the highway or a Notice of Assumption referring to a plan registered in the proper land registry office shall thereafter be registered under subsection 1.

- 6.—(1) Subsection 1 of section 9 of the said Act is repealed and ^{s. 9 (1), re-enacted} the following substituted therefor:

(1) The Minister may in the name of the Crown, acquire ^{Land may be acquired or expropriated} by purchase, lease or otherwise or may, without the consent of the owner, expropriate any land he considers necessary for the purposes of this Act or for making compensation in whole or in part to any person for land acquired under this Act.

(2) Subsection 2 of the said section 9 is repealed.

^{s. 9 (2), repealed}

s. 18,
re-enacted

7. Section 18 of the said Act is repealed and the following substituted therefor:

Intersecting
highways

18.—(1) Except as otherwise designated by the Lieutenant Governor in Council, where the King's Highway, other than a proposed highway, intersects a highway that is not the King's Highway, the continuation of the King's Highway to its full width across the highway so intersected is the King's Highway and shall be deemed to be vested in the Crown and under the jurisdiction and control of the Ministry.

Crossing
highways

(2) Notwithstanding subsection 1, where a highway is carried over or under the King's Highway by a bridge or other structure the surface of the highway shall be deemed to be under the jurisdiction and control of the authority that has jurisdiction and control over the remainder of the highway and the Crown shall not be liable for maintenance and repair of the surface of the highway.

s. 22 (2, 3),
re-enacted

8. Subsection 2, and subsection 3 as enacted by the Statutes of Ontario, 1971, chapter 61, section 2, of section 22 of the said Act are repealed and the following substituted therefor:

Consent
to closing
of highway
connecting
with King's
Highway

(2) A municipality shall not open, close or divert any highway or road allowance entering upon or intersecting the King's Highway without the consent of the Minister to the opening, closing or diversion of the highway or road allowance, and a by-law passed for any of such purposes does not take effect until the consent of the Minister is endorsed thereon and the by-law is registered in the proper land registry office.

Exception

(3) Subsection 2 does not apply where the highway or road allowance is closed for a specified period of time not exceeding seventy-two hours and the municipality has provided an adequate detour.

Consent
deemed
not
regulation
R.S.O. 1970,
c. 410

(4) A consent or approval pursuant to subsection 2 or any predecessor thereof shall be deemed not to be and never to have been a regulation within the meaning of *The Regulations Act*.

s. 24 (1),
re-enacted

9. Subsection 1 of section 24 of the said Act is repealed and the following substituted therefor:

Construction
of works

(1) The Minister may construct, extend, alter, maintain and operate such works as he considers necessary or expedient for the purposes of the Ministry, and he and any person including a municipality or local board thereof, may enter into agreements, with respect to the construction, extension, alteration, maintenance or operation of such works.

SECTION 7. The purposes of the amendments to section 18 of the Act are to ensure that, where the King's Highway intersects another highway, the soil and freehold of the intersected highway become vested in the Crown and under the jurisdiction and control of the Ministry as is the case for other parts of the King's Highway and to clarify the responsibility for maintenance and repair of highways that pass over or under the King's Highway.

SECTION 8. Subsection 2 of section 22 of the Act is re-enacted to require the consent of the Minister where a municipality proposes to open, close or divert a highway that connects with the King's Highway and to require the registration of the by-law and consent in the proper land registry office.

Subsection 3 is designed to relieve a municipality of the need to obtain the consent where the highway is to be closed for a period of 72 hours or less if the municipality has provided an adequate detour.

Subsection 4. Self-explanatory.

SECTION 9. The subsection is revised to authorize the Minister to construct, extend, alter, maintain and operate works for the purposes of the Ministry.

SECTION 10. The purpose of the new section is to enable the Minister and any municipality to unite in the construction of joint projects so as to take advantage of any financial, engineering and other benefits created thereby.

SECTION 11. The purpose of the revision of section 26 of the Act is to broaden its scope to include road authorities and to provide for the removal of highways from the King's Highway system in territory without municipal organization. The new section also confers any rights, privileges and benefits existing by agreement or otherwise in the Crown with respect to a highway transferred under this section, to the municipality or road authority to which it is transferred. The new section also provides for the continuation of the provisions of this Act respecting controlled-access highways for a period of six months in order to enable the municipality or road authority to designate the highway as a controlled-access road under the provisions of this Act.

10. The said Act is further amended by adding thereto the following ^{s. 24a,}
section: ^{enacted}

24a.—(1) Where the Minister considers it advantageous for ^{Joint}
the Ministry and any municipality to combine separate ^{construction}
work projects, the Minister and the municipality may enter ^{projects}
into agreements for the construction of such works on any
terms and conditions, including the sharing of costs, that the
Minister considers advisable.

(2) Any municipality shall be deemed to have all the ^{Powers of}
powers necessary to enter into and to carry out the terms ^{municipalities}
and conditions of an agreement made under subsection 1.

11. Section 26 of the said Act, as amended by the Statutes of ^{s. 26,}
Ontario, 1971, chapter 61, section 3, is repealed and the following ^{re-enacted}
substituted therefor:

26.—(1) In this section, “municipality” includes county, ^{Interpre-}
district, metropolitan or regional municipalities and a com- ^{tation}
mission that is a road authority appointed under an Act of
the Legislature.

(2) The Lieutenant Governor in Council may direct that ^{Closing}
any part of the King’s Highway or any part of any other
highway that is under the jurisdiction and control of the
Ministry shall be closed.

(3) Notwithstanding subsection 2, the Minister may direct ^{Temporary}
that any part of the King’s Highway or any part of any other ^{closing}
highway that is under the jurisdiction and control of the
Ministry shall be closed for a specified period of time not
exceeding seventy-two hours where, in the opinion of the
Minister, there is an adequate detour for through traffic.

(4) The Lieutenant Governor in Council may direct the ^{Transfer to}
transfer of any part of the King’s Highway or any part of ^{municipality}
any other highway that is under the jurisdiction and control ^{or road}
of the Ministry to any municipality in which it is situate and, ^{authority}

- (a) it vests in and is under the jurisdiction and control
of the municipality on and after the day named
by the Lieutenant Governor in Council;
- (b) it shall for all purposes be deemed to be part of the
road system of the municipality;
- (c) any agreements made or permits granted by the
Minister in relation thereto shall continue in force as
though made or granted by the municipality; and

- (d) all rights, privileges and benefits conferred upon or retained by the Ministry or the Crown in any agreement referred to in clause c shall enure to the benefit of and be binding upon the municipality.

Application
of s. 35

(5) Where a controlled-access highway is transferred to a municipality under this section, the provisions of section 35 shall continue to apply to such highway for a period of not more than six months thereafter or until the municipality designates the highway as a controlled-access road, whichever is the prior date, and every reference to the Minister or the Ministry in section 35 for the purpose of this section shall be deemed to be a reference to the municipality.

Removal of
highway from
jurisdiction
and control
of Ministry

(6) Where, in territory without municipal organization, an alternative route has been provided for the King's Highway or any other highway under the jurisdiction and control of the Ministry, or where for any other reason it is considered advisable that the highway or any part thereof should no longer be under the jurisdiction and control of the Ministry, the Lieutenant Governor in Council may direct that any part of the King's Highway or any part of any other highway under the jurisdiction and control of the Ministry, be no longer under the jurisdiction and control of the Ministry and the Crown shall not be liable for any damages caused by default in maintenance of the highway or for any damage sustained by any person using the highway on and after the day named by the Lieutenant Governor in Council.

Revocation of
designation
as King's
Highway

(7) Where a highway is closed for an indeterminate period, transferred to a municipality or removed from the jurisdiction and control of the Ministry under this section, any designation of the highway as the King's Highway is thereby revoked.

s. 33,
re-enacted

- 12.** Section 33 of the said Act is repealed and the following substituted therefor:

Controlled-
access
highway
designation

33.—(1) The Lieutenant Governor in Council may designate any,

(a) highway; or

(b) proposed highway,

as a controlled-access highway and every highway so designated shall be deemed to be part of the King's Highway and the provisions of this Act and the regulations that apply to the King's Highway apply *mutatis mutandis* to such controlled-access highway.

SECTION 12. The purpose of this revision is to simplify the procedure of designating a highway as a controlled-access highway by eliminating the need for prior designation as the King's Highway by the Lieutenant Governor in Council.

SECTION 13. The amendments remove from the subsections references to claims in respect of land injuriously affected by the closing of a road since such claims may be dealt with under *The Expropriations Act*.

SECTION 14—Subsection 1. The amendment removes reference to payment in the case of a bridge or culvert so that the financial arrangement for county roads will be similar to that for regional roads under section 84*d* (2) of the Act.

Subsection 2. The subsection provides for payment of an additional amount for improvement of a county road system in a manner similar to that for regional roads under section 84*d* (4) of the Act.

(2) Any part of the King's Highway heretofore designated as a controlled-access highway under this Act or a predecessor thereof shall be deemed to have been designated in accordance with this section. ^{Previous controlled-access designation}

13. Subsections 3 and 5 of section 34 of the said Act are repealed and the following substituted therefor: ^{s. 34 (3, 5), re-enacted}

(3) The Board may direct that notice of an application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons, including municipalities and local boards thereof, as the Board determines, and may further direct that particulars of objections to the closing shall be filed with the Board and the Minister within such time as the Board directs. ^{Application for approval}

(5) The Minister or a person, including a municipality or local board thereof, that has filed particulars of an objection may, with leave of the Supreme Court, appeal to that court from any order made under subsection 4, and subsections 4 and 5 of section 12 apply *mutatis mutandis* thereto. ^{Appeal}

- 14.—(1) Subsection 2 of section 47 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 61, section 6, is repealed and the following substituted therefor: ^{s. 47 (2), re-enacted}

(2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the county treasurer out of the moneys allocated under section 46 of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. ^{Payment to county}

- (2) The said section 47, as amended by the Statutes of Ontario, 1971, chapter 61, section 6, is further amended by adding thereto the following subsection: ^{s. 47, amended}

(6) Notwithstanding subsection 2, where a plan of construction and maintenance of a county road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs required to implement the plan and the financial capability of the county, direct payment to the county treasurer out of the moneys allocated under section 46 of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. ^{Payment for road improvement}

- s. 50,
repealed **15.** Section 50 of the said Act is repealed.
- s. 65 (3),
amended **16.** Subsection 3 of section 65 of the said Act is amended by striking out "subject to the approval of the Minister" in the third line.
- s. 66 (1),
re-enacted **17.** Subsection 1 of section 66 of the said Act is repealed and the following substituted therefor:
- Expenditures (1) The portion of the expenditures on suburban roads remaining after taking into account the grant or grants paid pursuant to section 47 shall be borne equally by the county and the city or separated town.
- s. 73 (2),
repealed **18.** Subsection 2 of section 73 of the said Act is repealed.
- s. 85 (1),
amended **19.** Subsection 1 of section 85 of the said Act is amended by striking out "or of a county" in the third line.
- Part XIII,
re-enacted **20.—(1)** Part XIII of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 61, section 13, is repealed and the following substituted therefor:

PART XIII

RAPID TRANSIT CONSTRUCTION

- Inter-
pretation **87.—(1)** In this Part,
- (a) "municipality" includes a metropolitan or regional municipality;
- (b) "rapid transit" means a rapid transit system or part thereof designated by the Lieutenant Governor in Council.
- Items
properly
chargeable
to rapid
transit
construction (2) For the purpose of this Part, a municipality may properly charge to rapid transit construction the cost of,
- (a) the planning and design of the rapid transit system;
- (b) the acquisition of land required for rapid transit right-of-way, stations and yards;
- (c) clearing the right-of-way of obstructions for the rapid transit system;
- (d) taking up, removing or changing the location of public utilities;

SECTION 15. The repeal of section 50 is complementary to the new section 91*a* of the Act.

SECTION 16. The amendment removes the requirement of ministerial approval for the payment of money by a suburban roads commission to a county road superintendent in addition to his regular salary when he supervises suburban roads.

SECTION 17. The amendment is complementary to the amendments to section 47 of the Act.

SECTION 18. The repeal of this subsection is complementary to section 91*a* of the Act.

SECTION 19. The amendment removes roads or proposed roads under the jurisdiction and control of a county from the class of roads that may be designated as development roads.

SECTION 20.—Subsection 1. Part XIII is re-enacted so that it applies only to rapid transit systems and in order to more directly relate provincial financial assistance to the amount needed for rapid transit system construction.

- (e) constructing tunnels, elevated guideways, stations and other structures or facilities incidental to the rapid transit system ;
- (f) constructing the roadbed for the rapid transit system, the under-drainage, tracks, rails or other surface or facility upon which to operate the rapid transit vehicles ;
- (g) rapid transit vehicles ;
- (h) constructing,
 - (i) storage and maintenance yards or depots for rapid transit vehicles,
 - (ii) power conditioning and distribution systems,
 - (iii) train control, signalling and safety systems, and
 - (iv) communication and surveillance systems ; and
- (i) such other equipment, works or services required for or in connection with the rapid transit system as the Minister may approve.

87a.—(1) A municipality may submit to the Minister a request for an allocation of moneys for rapid transit system construction together with a detailed estimate of how such allocation is proposed to be spent, and the Minister may make such allocation as he considers appropriate.

(2) Where the Minister has made an allocation of moneys under subsection 1, the municipality shall annually, and, with the consent of the Minister, may at any time during the year submit to the Minister,

- (a) a detailed statement of receipts and expenditures in respect of the rapid transit system in the form prescribed by the Minister ;
- (b) a declaration of the treasurer of the municipality that the statement is correct ;
- (c) a declaration of an officer of the municipality or officer responsible for the rapid transit system construction that the statement contains only receipts and expenditures for such construction ; and

- (d) a request, authorized by resolution of the council of the municipality, for payment of moneys allocated under subsection 1.

Payment
to
municipality

(3) Upon receipt of the statement, declarations and request the Minister may direct payment to the treasurer of the municipality, out of the moneys allocated under subsection 1, of an amount equal to 75 per cent of the expenditure properly chargeable to rapid transit construction and in all cases the decision of the Minister is final.

Limitation
on
payments

(4) The total of all payments made to a municipality under this section in respect of expenditures made for rapid transit in any year shall not exceed the amount of money allocated to such municipality for that year under this section.

Power to
spend
moneys
not limited

(5) This section does not limit the power of a municipality to spend moneys raised by it for rapid transit.

Con-
tributions
to be
deducted

(6) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Allocation
of moneys
in respect
of 1972
expenditures

(2) The Minister may allocate and direct the payment of moneys to the treasurer of a municipality in the year 1973 pursuant to Part XIII of *The Public Transportation and Highway Improvement Act* in respect of expenditures made by the municipality on or after the 1st day of December, 1972.

s. 87b (2),
amended

21.—(1) Subsection 2 of section 87b of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 14, is amended by striking out "subway" in the twenty-sixth line and inserting in lieu thereof "rapid transit".

s. 87b (3),
re-enacted

(2) Subsection 3 of the said section 87b is repealed and the following substituted therefor:

Allocation
of moneys
by Minister

(3) The municipality may submit to the Minister a request for allocation of moneys for public transportation together with a detailed estimate of how such allocation is proposed to be spent, and the Minister may make such allocation as he considers appropriate.

Subsection 2. Self-explanatory.

SECTION 21.—Subsection 1. The amendment to Part XIII-A of the Act, is complementary to the re-enactment of Part XIII of the Act.

Subsection 2. The amendments provide for a system of provincial financial assistance similar to that set out in Part XIII of the Act and provide for assistance equal to 75 per cent of capital costs and 50 per cent of operating costs.

Subsection 3. Self-explanatory.

(3a) Where the Minister has made an allocation of moneys under subsection 3, the municipality shall annually and, with the consent of the Minister, may at any time during the year submit to the Minister, ^{Annual statement to Minister}

- (a) a detailed statement of receipts and expenditures in respect of public transportation in the form prescribed by the Minister;
- (b) a declaration of the treasurer of the municipality that the statement is correct;
- (c) a declaration of an officer of the municipality or officer responsible for public transportation that the statement contains only receipts and expenditures for such public transportation; and
- (d) a request, authorized by resolution of the council of the municipality, for payment of moneys allocated under subsection 3.

(3b) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality, out of moneys allocated under subsection 3, an amount equal to 75 per cent of the expenditure properly chargeable to capital costs, and 50 per cent toward the expenditure of operating costs and, in all cases, the decision of the Minister is final. ^{Payment to municipality}

(3c) The total of all payments made to the municipality under this section in respect of expenditures made for public transportation in any year shall not exceed the amount of money allocated to such municipality under this section. ^{Limitation on payments}

(3d) This section does not limit the power of a municipality to spend moneys raised by it for public transportation. ^{Power to spend moneys not limited}

(3e) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. ^{Contributions to be deducted}

(3) The Minister may allocate and direct the payment of moneys to the treasurer of a municipality in the year 1973 pursuant to Part XIII-A of *The Public Transportation and Highway Improvement Act* in respect of public transportation expenditures made by the municipality in the year 1972. ^{Allocation of moneys in respect of 1972 expenditures}

s. 91a,
enacted

- 22.** The said Act is further amended by adding thereto the following section:

Power of
Minister to
establish,
etc., ferries

91a.—(1) The Minister may establish, acquire, construct, operate and maintain ferries and acquire lands, equipment and machinery necessary and incidental thereto.

Agreements
authorized

(2) The Minister and a municipality may enter into an agreement to establish, acquire, construct, operate and maintain ferries and to acquire lands, equipment and machinery necessary and incidental thereto.

Moneys

(3) The Minister may pay to a municipality the whole or part of expenditures by the municipality to establish, acquire, construct, operate and maintain ferries and to acquire lands, equipment and machinery necessary and incidental thereto.

Commence-
ment

- 23.** This Act comes into force on the day it receives Royal Assent.

Short title

- 24.** This Act may be cited as *The Public Transportation and Highway Improvement Amendment Act, 1973 (No. 2)*.

SECTION 22. The section enables the Minister to establish, acquire and operate ferries and to enter into agreements and pay moneys in relation thereto.

An Act to amend The Public
Transportation and Highway
Improvement Act

Government
Publications

1st Reading

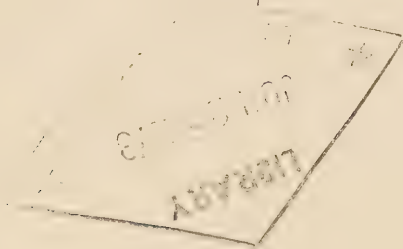
June 7th, 1973

2nd Reading

3rd Reading

THE HON. G. CARTON
Minister of Transportation
and Communications

(*Government Bill*)



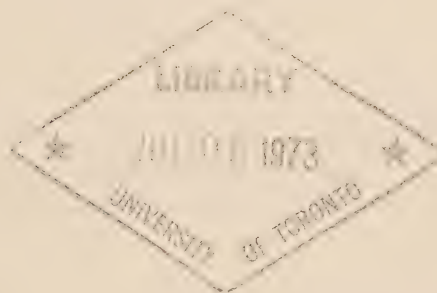
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BILL 145

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Public Transportation and Highway Improvement Act**

THE HON. G. CARTON
Minister of Transportation and Communications



**An Act to amend
The Public Transportation
and Highway Improvement Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The heading to Part I of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Part I.
heading,
re-enacted

“LAND ACQUISITION, HIGHWAYS AND OTHER WORKS”.

2. The said Act is amended by adding thereto the following sections:

ss. 2a, 2b,
enacted

2a.—(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto in favour of the Crown, in respect of any highway or other works under the jurisdiction and control of the Ministry, is valid and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Crown.

Instruments
creating
rights
analogous to
easements

(2) On and after the registration of an instrument to which subsection 1 applies in the proper land registry office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument.

Terms of
instrument
binding on
successors

(3) A party to an instrument to which subsection 1 applies or a person to whom subsection 2 applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein

Liability of
grantor for
breach of
covenant
limited

mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument.

Land to remain subject to instrument when sold for taxes

(4) Where the land mentioned in an instrument to which subsection 1 applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument.

Application

(5) This section applies, notwithstanding that such right, interest, covenant or condition was granted or created by or contained in an instrument executed before the date this section comes into force.

Persons who may sign plans R.S.O. 1970, c. 154

2b.—(1) Where this Act or *The Expropriations Act* requires a plan or other instrument under this Act, other than an order in council mentioned in section 5 or 33, to be registered in the proper land registry office or deposited with the Minister of Natural Resources, the plan or instrument shall be signed by an Ontario Land Surveyor and one of the following:

1. The Minister.
2. The Deputy Minister.
3. An Assistant Deputy Minister of the Ministry.
4. The Chief Surveyor of the Ministry.

s. 3, re-enacted

3. Section 3 of the said Act is repealed and the following substituted therefor:

Crown Land Plans

3.—(1) Where the Minister desires to acquire any Crown lands, not under the jurisdiction and control of the Ministry that he considers necessary for the purposes of the Ministry, he shall deposit with the Minister of Natural Resources and register in the proper land registry office a plan of the land to be known and marked "Crown Land Plan" and thereupon the land is under the jurisdiction and control of the Ministry.

Crown land no longer required

(2) Where the jurisdiction and control of Crown lands is no longer required by the Ministry, the Minister may, with the approval of the Minister of Natural Resources, by a writing deposited with the Minister of Natural Resources and registered in the proper land registry office, declare that the jurisdiction and control of the land is no longer required and thereupon such land is under the jurisdiction and control of the Ministry of Natural Resources.

4. Section 5 of the said Act is amended by adding thereto the ^{s. 5,}
following subsection:

(2) The order in council designating a highway or proposed ^{Registration}
highway as The King's Highway shall be registered in the ^{of order in}
proper land registry office and any such order in council ^{council}
heretofore registered shall be deemed to have been required
to be so registered.

5. Section 6 of the said Act is repealed and the following sub- ^{s. 6,}
stituted therefor: ^{re-enacted}

6.—(1) Where the Minister desires to acquire an existing ^{Procedure}
highway, he shall register in the proper land registry office, ^{for acquiring}
^{a highway}

(a) a plan of the highway to be known as and marked ^{Assumption}
“Assumption Plan”; or ^{Plan}

(b) a notice to be known as and marked “Notice of ^{Notice of}
Assumption” referring to a plan of the highway ^{Assumption}
registered in the proper land registry office,

and thereupon the highway vests in the Crown and the
Minister forthwith shall give notice in writing of such vesting
to any municipality concerned.

(2) The Minister, before registering an “Assumption Plan”, ^{Preliminary}
may register in the proper land registry office, a preliminary ^{Assumption}
plan of the highway to be known as and marked “Pre- ^{Plan}
liminary Assumption Plan”, and such Preliminary Assumption
Plan when registered has the same force and effect as an
Assumption Plan registered under subsection 1, but an
Assumption Plan of the highway or a Notice of Assumption
referring to a plan registered in the proper land registry
office shall thereafter be registered under subsection 1.

- 6.—(1) Subsection 1 of section 9 of the said Act is repealed and ^{s. 9 (1),}
the following substituted therefor: ^{re-enacted}

(1) The Minister may in the name of the Crown, acquire ^{Land may be}
by purchase, lease or otherwise or may, without the consent ^{acquired or}
of the owner, expropriate any land he considers necessary ^{expropriated}
for the purposes of this Act or for making compensation
in whole or in part to any person for land acquired under
this Act.

(2) Subsection 2 of the said section 9 is repealed.

^{s. 9 (2),}
^{repealed}

s. 18,
re-enacted

7. Section 18 of the said Act is repealed and the following substituted therefor:

Intersecting
highways

18.—(1) Except as otherwise designated by the Lieutenant Governor in Council, where the King's Highway, other than a proposed highway, intersects a highway that is not the King's Highway, the continuation of the King's Highway to its full width across the highway so intersected is the King's Highway and shall be deemed to be vested in the Crown and under the jurisdiction and control of the Ministry.

Crossing
highways

(2) Notwithstanding subsection 1, where a highway is carried over or under the King's Highway by a bridge or other structure the surface of the highway shall be deemed to be under the jurisdiction and control of the authority that has jurisdiction and control over the remainder of the highway and the Crown shall not be liable for maintenance and repair of the surface of the highway.

s. 22 (2, 3),
re-enacted

8. Subsection 2, and subsection 3 as enacted by the Statutes of Ontario, 1971, chapter 61, section 2, of section 22 of the said Act are repealed and the following substituted therefor:

Consent
to closing
of highway
connecting
with King's
Highway

(2) A municipality shall not open, close or divert any highway or road allowance entering upon or intersecting the King's Highway without the consent of the Minister to the opening, closing or diversion of the highway or road allowance, and a by-law passed for any of such purposes does not take effect until the consent of the Minister is endorsed thereon and the by-law is registered in the proper land registry office.

Exception

(3) Subsection 2 does not apply where the highway or road allowance is closed for a specified period of time not exceeding seventy-two hours and the municipality has provided an adequate detour.

Consent
deemed
not
regulation
R.S.O. 1970,
c. 410

(4) A consent or approval pursuant to subsection 2 or any predecessor thereof shall be deemed not to be and never to have been a regulation within the meaning of *The Regulations Act*.

s. 24 (1),
re-enacted

9. Subsection 1 of section 24 of the said Act is repealed and the following substituted therefor:

Construction
of works

(1) The Minister may construct, extend, alter, maintain and operate such works as he considers necessary or expedient for the purposes of the Ministry, and he and any person including a municipality or local board thereof, may enter into agreements, with respect to the construction, extension, alteration, maintenance or operation of such works.

10. The said Act is further amended by adding thereto the following ^{s. 24a,}
section: ^{enacted}

24a.—(1) Where the Minister considers it advantageous for ^{Joint}
the Ministry and any municipality to combine separate ^{construction}
work projects, the Minister and the municipality may enter ^{projects}
into agreements for the construction of such works on any
terms and conditions, including the sharing of costs, that the
Minister considers advisable.

(2) Any municipality shall be deemed to have all the ^{Powers of}
powers necessary to enter into and to carry out the terms ^{municipalities}
and conditions of an agreement made under subsection 1.

11. Section 26 of the said Act, as amended by the Statutes of ^{s. 26,}
Ontario, 1971, chapter 61, section 3, is repealed and the following ^{re-enacted}
substituted therefor:

26.—(1) In this section, “municipality” includes county, ^{Interpre-}
district, metropolitan or regional municipalities and a com- ^{tation}
mission that is a road authority appointed under an Act of
the Legislature.

(2) The Lieutenant Governor in Council may direct that ^{Closing}
any part of the King’s Highway or any part of any other
highway that is under the jurisdiction and control of the
Ministry shall be closed.

(3) Notwithstanding subsection 2, the Minister may direct ^{Temporary}
that any part of the King’s Highway or any part of any other ^{closing}
highway that is under the jurisdiction and control of the
Ministry shall be closed for a specified period of time not
exceeding seventy-two hours where, in the opinion of the
Minister, there is an adequate detour for through traffic.

(4) The Lieutenant Governor in Council may direct the ^{Transfer to}
transfer of any part of the King’s Highway or any part of ^{municipality}
any other highway that is under the jurisdiction and control ^{or road}
of the Ministry to any municipality in which it is situate and, ^{authority}

- (a) it vests in and is under the jurisdiction and control
of the municipality on and after the day named
by the Lieutenant Governor in Council;
- (b) it shall for all purposes be deemed to be part of the
road system of the municipality;
- (c) any agreements made or permits granted by the
Minister in relation thereto shall continue in force as
though made or granted by the municipality; and

- (d) all rights, privileges and benefits conferred upon or retained by the Ministry or the Crown in any agreement referred to in clause *c* shall enure to the benefit of and be binding upon the municipality.

Application
of s. 35

(5) Where a controlled-access highway is transferred to a municipality under this section, the provisions of section 35 shall continue to apply to such highway for a period of not more than six months thereafter or until the municipality designates the highway as a controlled-access road, whichever is the prior date, and every reference to the Minister or the Ministry in section 35 for the purpose of this section shall be deemed to be a reference to the municipality.

Removal of
highway from
jurisdiction
and control
of Ministry

(6) Where, in territory without municipal organization, an alternative route has been provided for the King's Highway or any other highway under the jurisdiction and control of the Ministry, or where for any other reason it is considered advisable that the highway or any part thereof should no longer be under the jurisdiction and control of the Ministry, the Lieutenant Governor in Council may direct that any part of the King's Highway or any part of any other highway under the jurisdiction and control of the Ministry, be no longer under the jurisdiction and control of the Ministry and the Crown shall not be liable for any damages caused by default in maintenance of the highway or for any damage sustained by any person using the highway on and after the day named by the Lieutenant Governor in Council.

Revocation of
designation
as King's
Highway

(7) Where a highway is closed for an indeterminate period, transferred to a municipality or removed from the jurisdiction and control of the Ministry under this section, any designation of the highway as the King's Highway is thereby revoked.

s. 33,
re-enacted

- 12.** Section 33 of the said Act is repealed and the following substituted therefor:

Controlled-
access
highway
designation

33.—(1) The Lieutenant Governor in Council may designate any,

(a) highway; or

(b) proposed highway,

as a controlled-access highway and every highway so designated shall be deemed to be part of the King's Highway and the provisions of this Act and the regulations that apply to the King's Highway apply *mutatis mutandis* to such controlled-access highway.

(2) Any part of the King's Highway heretofore designated as a controlled-access highway under this Act or a predecessor thereof shall be deemed to have been designated in accordance with this section. ^{Previous controlled-access designation}

- 13.** Subsections 3 and 5 of section 34 of the said Act are repealed and the following substituted therefor: ^{s. 34 (3, 5), re-enacted}

(3) The Board may direct that notice of an application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons, including municipalities and local boards thereof, as the Board determines, and may further direct that particulars of objections to the closing shall be filed with the Board and the Minister within such time as the Board directs. ^{Application for approval}

(5) The Minister or a person, including a municipality or local board thereof, that has filed particulars of an objection may, with leave of the Supreme Court, appeal to that court from any order made under subsection 4, and subsections 4 and 5 of section 12 apply *mutatis mutandis* thereto. ^{Appeal}

- 14.—**(1) Subsection 2 of section 47 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 61, section 6, is repealed and the following substituted therefor: ^{s. 47 (2), re-enacted}

(2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the county treasurer out of the moneys allocated under section 46 of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. ^{Payment to county}

- (2) The said section 47, as amended by the Statutes of Ontario, 1971, chapter 61, section 6, is further amended by adding thereto the following subsection: ^{s. 47, amended}

(6) Notwithstanding subsection 2, where a plan of construction and maintenance of a county road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs required to implement the plan and the financial capability of the county, direct payment to the county treasurer out of the moneys allocated under section 46 of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. ^{Payment for road improvement}

- s. 50,
repealed **15.** Section 50 of the said Act is repealed.
- s. 65 (3),
amended **16.** Subsection 3 of section 65 of the said Act is amended by striking out "subject to the approval of the Minister" in the third line.
- s. 66 (1),
re-enacted **17.** Subsection 1 of section 66 of the said Act is repealed and the following substituted therefor:
- Expenditures (1) The portion of the expenditures on suburban roads remaining after taking into account the grant or grants paid pursuant to section 47 shall be borne equally by the county and the city or separated town.
- s. 73 (2),
repealed **18.** Subsection 2 of section 73 of the said Act is repealed.
- s. 85 (1),
amended **19.** Subsection 1 of section 85 of the said Act is amended by striking out "or of a county" in the third line.
- Part XIII,
re-enacted **20.—(1)** Part XIII of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 61, section 13, is repealed and the following substituted therefor:

PART XIII

RAPID TRANSIT CONSTRUCTION

- Inter-
pretation **87.—(1)** In this Part,
- (a) "municipality" includes a metropolitan or regional municipality;
- (b) "rapid transit" means a rapid transit system or part thereof designated by the Lieutenant Governor in Council.
- Items
properly
chargeable
to rapid
transit
construction (2) For the purpose of this Part, a municipality may properly charge to rapid transit construction the cost of,
- (a) the planning and design of the rapid transit system;
- (b) the acquisition of land required for rapid transit right-of-way, stations and yards;
- (c) clearing the right-of-way of obstructions for the rapid transit system;
- (d) taking up, removing or changing the location of public utilities;

- (e) constructing tunnels, elevated guideways, stations and other structures or facilities incidental to the rapid transit system ;
- (f) constructing the roadbed for the rapid transit system, the under-drainage, tracks, rails or other surface or facility upon which to operate the rapid transit vehicles ;
- (g) rapid transit vehicles ;
- (h) constructing,
 - (i) storage and maintenance yards or depots for rapid transit vehicles,
 - (ii) power conditioning and distribution systems,
 - (iii) train control, signalling and safety systems, and
 - (iv) communication and surveillance systems ; and
- (i) such other equipment, works or services required for or in connection with the rapid transit system as the Minister may approve.

87a.—(1) A municipality may submit to the Minister a request for an allocation of moneys for rapid transit system construction together with a detailed estimate of how such allocation is proposed to be spent, and the Minister may make such allocation as he considers appropriate.

(2) Where the Minister has made an allocation of moneys under subsection 1, the municipality shall annually, and, with the consent of the Minister, may at any time during the year submit to the Minister,

- (a) a detailed statement of receipts and expenditures in respect of the rapid transit system in the form prescribed by the Minister ;
- (b) a declaration of the treasurer of the municipality that the statement is correct ;
- (c) a declaration of an officer of the municipality or officer responsible for the rapid transit system construction that the statement contains only receipts and expenditures for such construction ; and

- (d) a request, authorized by resolution of the council of the municipality, for payment of moneys allocated under subsection 1.

Payment
to
municipality

(3) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality, out of the moneys allocated under subsection 1, of an amount equal to 75 per cent of the expenditure properly chargeable to rapid transit construction and in all cases the decision of the Minister is final.

Limitation
on
payments

(4) The total of all payments made to a municipality under this section in respect of expenditures made for rapid transit in any year shall not exceed the amount of money allocated to such municipality for that year under this section.

Power to
spend
moneys
not limited

(5) This section does not limit the power of a municipality to spend moneys raised by it for rapid transit.

Con-
tributions
to be
deducted

(6) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Allocation
of moneys
in respect
of 1972
expenditures

(2) The Minister may allocate and direct the payment of moneys to the treasurer of a municipality in the year 1973 pursuant to Part XIII of *The Public Transportation and Highway Improvement Act* in respect of expenditures made by the municipality on or after the 1st day of December, 1972.

s. 87b (2),
amended

21.—(1) Subsection 2 of section 87b of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 14, is amended by striking out "subway" in the twenty-sixth line and inserting in lieu thereof "rapid transit".

s. 87b (3),
re-enacted

(2) Subsection 3 of the said section 87b is repealed and the following substituted therefor:

Allocation
of moneys
by Minister

(3) The municipality may submit to the Minister a request for allocation of moneys for public transportation together with a detailed estimate of how such allocation is proposed to be spent, and the Minister may make such allocation as he considers appropriate.

(3a) Where the Minister has made an allocation of moneys under subsection 3, the municipality shall annually and, with the consent of the Minister, may at any time during the year submit to the Minister, ^{Annual statement to Minister}

- (a) a detailed statement of receipts and expenditures in respect of public transportation in the form prescribed by the Minister;
- (b) a declaration of the treasurer of the municipality that the statement is correct;
- (c) a declaration of an officer of the municipality or officer responsible for public transportation that the statement contains only receipts and expenditures for such public transportation; and
- (d) a request, authorized by resolution of the council of the municipality, for payment of moneys allocated under subsection 3.

(3b) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality, out of moneys allocated under subsection 3, an amount equal to 75 per cent of the expenditure properly chargeable to capital costs, and 50 per cent toward the expenditure of operating costs and, in all cases, the decision of the Minister is final. ^{Payment to municipality}

(3c) The total of all payments made to the municipality under this section in respect of expenditures made for public transportation in any year shall not exceed the amount of money allocated to such municipality under this section. ^{Limitation on payments}

(3d) This section does not limit the power of a municipality to spend moneys raised by it for public transportation. ^{Power to spend moneys not limited}

(3e) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. ^{Contributions to be deducted}

(3) The Minister may allocate and direct the payment of moneys to the treasurer of a municipality in the year 1973 pursuant to Part XIII-A of *The Public Transportation and Highway Improvement Act* in respect of public transportation expenditures made by the municipality in the year 1972. ^{Allocation of moneys in respect of 1972 expenditures}

s. 91a,
enacted

- 22.** The said Act is further amended by adding thereto the following section:

Power of
Minister to
establish,
etc., ferries

91a.—(1) The Minister may establish, acquire, construct, operate and maintain ferries and acquire lands, equipment and machinery necessary and incidental thereto.

Agreements
authorized

(2) The Minister and a municipality may enter into an agreement to establish, acquire, construct, operate and maintain ferries and to acquire lands, equipment and machinery necessary and incidental thereto.

Moneys

(3) The Minister may pay to a municipality the whole or part of expenditures by the municipality to establish, acquire, construct, operate and maintain ferries and to acquire lands, equipment and machinery necessary and incidental thereto.

Commence-
ment

- 23.** This Act comes into force on the day it receives Royal Assent.

Short title

- 24.** This Act may be cited as *The Public Transportation and Highway Improvement Amendment Act, 1973 (No. 2)*.

BILL 145

An Act to amend The Public
Transportation and Highway
Improvement Act

1st Reading

June 7th, 1973

2nd Reading

June 12th, 1973

3rd Reading

June 14th, 1973

THE HON. G. CARTON
Minister of Transportation
and Communications

CA20N

XB

-B56

BILL 146

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Liquor Licence Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The definition of military mess is replaced by a definition of canteen which is wider and includes military and police messes and dining facilities in certain residential institutions.

A definition of recreational facility is added and the definition of theatre is enlarged to include a class of theatres that periodically shows motion pictures as prescribed in the regulation.

An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Liquor Licence Act*, being chapter 250^{s. 1, amended} of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 35, section 1, is further amended by adding thereto the following paragraph:

3a. “canteen” means a wardroom, mess, cafeteria, dining area, common room, or other room to which the public is not ordinarily admitted situated in or on a base, station, camp, campus, institution or other facility of,

- i. the Canadian Armed Forces, for the use of the active or reserve units thereof and their guests,
- ii. a public police force, for the use of the members thereof and their guests,
- iii. a university, college, community college or other publicly financed post-secondary educational facility for the use of the faculty, staff and students thereof and their guests, and
- iv. a hospital, rest home, convalescent home, home for the aged or other similar institution used by the patients, residents and staff thereof and their guests,

and that has the special accommodation, facilities and equipment prescribed by the regulations.

- (2) Paragraph 7 of the said section 1 is repealed and the^{s. 1, par. 7, re-enacted} following substituted therefor:

7. "establishment" means an aircraft, canteen, club, hotel, inn, public house, railway car, recreational facility, resort, restaurant, steamship, tavern or theatre having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

s. 1, par. 17,
repealed

- (3) Paragraph 17 of the said section 1 is repealed.

s. 1, par. 20,
re-enacted

- (4) Paragraph 20 of the said section 1 is repealed and the following substituted therefor:

20. "permit" means a permit provided for and issued under this Act and the regulations.

s. 1,
amended

- (5) The said section 1 is further amended by adding thereto the following paragraph:

22a. "recreational facility" means a golfing, skiing or curling facility, or other similar facility prescribed by regulation that has the special accommodation, facilities and equipment that are prescribed by the regulations.

s. 1, par. 28,
re-enacted

- (6) Paragraph 28 of the said section 1 is repealed and the following substituted therefor:

28. "theatre" means premises equipped and used to stage public performances of dramatic, musical or cultural entertainment, or such premises used, in addition to the staging of such public performances, to show motion pictures from time to time for periods not exceeding, in each year, those prescribed by regulation and having the special accommodation, facilities and equipment that are prescribed by the regulations for any of the following classes of licences:

- i. dining lounge licence,
- ii. dining room licence,
- iii. lounge licence.

ss. 23, 24,
re-enacted

2. Sections 23 and 24 of the said Act are repealed and the following substituted therefor:

Canteen
permit

23. The Board may issue a licence or licences to,

SECTION 2. The provision for issuance of canteen permits is amended to provide for the issuance to the institutions contained in the wider definition of canteen.

The amendment rearranges the classes of licences to include the new concepts of canteens and recreational facilities.

- (a) the officer commanding or other person responsible for and having under his control a canteen in or on a base, station or camp of the Canadian Armed Forces that is designated to the Board by the Minister of National Defence for Canada;
- (b) the officer commanding or other person responsible for and having under his control a canteen in or on a base, station or camp of any public police force;
- (c) the chief administrative officer or other person who is responsible for and has under his control a canteen in or on a campus or building of a university, college, community college or other publicly financed post-secondary educational facility; or
- (d) the chief administrative officer or other person who is responsible for and has under his control a canteen in a hospital, rest home, convalescent home, home for the aged or other similar institution.

24.—(1) The Board may, subject to this Act and the regulations, and subject to the local option provisions of any Act of the Parliament of Canada or of the Legislature, issue to the owner of an establishment in respect of the following classes of establishments, a licence or licences of one or more of the classes indicated: Licences

1. Aircraft, railway cars, or steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
 - i. dining lounge licence,
 - ii. dining room licence,
 - iii. lounge licence,
 - iv. public house licence.
2. Canteens, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
 - i. dining lounge licence,
 - ii. dining room licence,

- iii. lounge licence,
 - iv. public house licence.
3. Clubs, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which a licence is issued,
- i. a club licence,
 - ii. a club licence (restricted).
4. Hotels and inns, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
- i. dining lounge licence,
 - ii. dining room licence,
 - iii. lounge licence,
 - iv. public house licence,

and taverns and theatres, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

- v. dining lounge licence,
- vi. dining room licence,
- vii. lounge licence,

but the Board shall not issue a dining lounge licence or a lounge licence to a hotel, inn, tavern or theatre situated in a municipality in which such licences have not been issued heretofore to hotels, inns, taverns or theatres unless or until an affirmative vote has been taken on question 8 or 9, as the case may be, of subsection 1 of section 73, and section 73 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 71 is in force therein.

5. Public houses, having special accommodation, facilities and equipment prescribed by the regulations

for the designated parts of the establishment in respect of which a licence is issued,

- i. public house licence,
 - ii. dining room licence.
6. Recreational facilities, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued,
- i. dining lounge licence,
 - ii. dining room licence,
 - iii. lounge licence,
 - iv. public house licence.
7. Resorts, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which a licence is issued,
- i. dining lounge licence,
 - ii. dining room licence.
8. Restaurants, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued a dining room licence.

(2) The Board shall not issue a dining room licence or a public house licence in any municipality in which such licences have not been issued, except in the case of,

Vote for
dining room
and public
house
licences

- (a) an establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*,^{1944, c. 33} including therein a privilege corresponding to the licence issued under this Act, was held on the 1st day of January, 1947; or
- (b) an establishment classified as a hotel, inn, club, railway car or steamship,

unless or until an affirmative vote has been taken on question 4, 5, 6 or 7, as the case may be, of subsection 1 of section 73, and section 73 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 71 is in force therein.

Votes re
resorts,
canteens and
recreational
facilities

(3) Notwithstanding that an affirmative vote has not been taken therefor under section 73, the Board may issue the following classes of licences to,

(a) a canteen or recreational facility,

- i. dining lounge licence,
- ii. dining room licence,
- iii. lounge licence; and

(b) a resort,

- i. dining lounge licence,
- ii. dining room licence.

s. 56,
amended

3. Section 56 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by adding thereto the following subsection:

Card as
proof of
age

(7) A person who sells or supplies liquor to another person or permits another person to enter or be upon licensed premises shall be deemed not to be in contravention of subsection 1, 2 or 5 if, before he sells or supplies the liquor or permits the other person to enter or be upon the premises, a card in the form prescribed under section 70a of *The Liquor Control Act* is produced to him by such other person which purports to be issued by the Liquor Control Board to the person producing it and if there is no apparent inconsistency on the face of the card or between the card and the person producing it.

R.S.O. 1970,
c. 249

s. 86,
amended

4.—(1) Section 86 of the said Act is amended by adding thereto the following clauses:

(ja) prescribing the facilities that are recreational facilities for the purposes of paragraph 22a of section 1;

(jb) prescribing the maximum periods in which motion pictures may be shown in theatres for the purposes of paragraph 28 of section 1.

s. 86 (m),
amended

(2) Clause m of the said section 86 is amended by striking out "or military mess" in the second line.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Liquor Licence Amendment Act, 1973*.

SECTION 3. The new provision gives the same protection to a person who relies on the card issued by the Liquor Control Board as proof of age as is given under *The Liquor Control Act*.

SECTION 4. The amendments are to the regulation section and are complementary to the changes in the definitions in section 1 of this Bill.

An Act to amend
The Liquor Licence Act

1st Reading

June 7th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(*Government Bill*)



CA20N

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-B56

BILL 146

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Liquor Licence Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Liquor Licence Act*, being chapter 250^{s. 1, amended} of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 35, section 1, is further amended by adding thereto the following paragraph:

3a. "canteen" means a wardroom, mess, cafeteria, dining area, common room, or other room to which the public is not ordinarily admitted situated in or on a base, station, camp, campus, institution or other facility of,

- i. the Canadian Armed Forces, for the use of the active or reserve units thereof and their guests,
- ii. a public police force, for the use of the members thereof and their guests,
- iii. a university, college, community college or other publicly financed post-secondary educational facility for the use of the faculty, staff and students thereof and their guests, and
- iv. a hospital, rest home, convalescent home, home for the aged or other similar institution used by the patients, residents and staff thereof and their guests,

and that has the special accommodation, facilities and equipment prescribed by the regulations.

- (2) Paragraph 7 of the said section 1 is repealed and the following substituted therefor: ^{s. 1, par. 7, re-enacted}

7. “establishment” means an aircraft, canteen, club, hotel, inn, public house, railway car, recreational facility, resort, restaurant, steamship, tavern or theatre having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

s. 1, par. 17,
repealed

- (3) Paragraph 17 of the said section 1 is repealed.

s. 1, par. 20,
re-enacted

- (4) Paragraph 20 of the said section 1 is repealed and the following substituted therefor:

20. “permit” means a permit provided for and issued under this Act and the regulations.

s. 1,
amended

- (5) The said section 1 is further amended by adding thereto the following paragraph:

22a. “recreational facility” means a golfing, skiing or curling facility, or other similar facility prescribed by regulation that has the special accommodation, facilities and equipment that are prescribed by the regulations.

s. 1, par. 28,
re-enacted

- (6) Paragraph 28 of the said section 1 is repealed and the following substituted therefor:

28. “theatre” means premises equipped and used to stage public performances of dramatic, musical or cultural entertainment, or such premises used, in addition to the staging of such public performances, to show motion pictures from time to time for periods not exceeding, in each year, those prescribed by regulation and having the special accommodation, facilities and equipment that are prescribed by the regulations for any of the following classes of licences:

- i. dining lounge licence,
- ii. dining room licence,
- iii. lounge licence.

ss. 23, 24,
re-enacted

2. Sections 23 and 24 of the said Act are repealed and the following substituted therefor:

Canteen
permit

23. The Board may issue a licence or licences to,

- (a) the officer commanding or other person responsible for and having under his control a canteen in or on a base, station or camp of the Canadian Armed Forces that is designated to the Board by the Minister of National Defence for Canada;
- (b) the officer commanding or other person responsible for and having under his control a canteen in or on a base, station or camp of any public police force;
- (c) the chief administrative officer or other person who is responsible for and has under his control a canteen in or on a campus or building of a university, college, community college or other publicly financed post-secondary educational facility; or
- (d) the chief administrative officer or other person who is responsible for and has under his control a canteen in a hospital, rest home, convalescent home, home for the aged or other similar institution.

24.—(1) The Board may, subject to this Act and the ^{Licences} regulations, and subject to the local option provisions of any Act of the Parliament of Canada or of the Legislature, issue to the owner of an establishment in respect of the following classes of establishments, a licence or licences of one or more of the classes indicated:

1. Aircraft, railway cars, or steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
 - i. dining lounge licence,
 - ii. dining room licence,
 - iii. lounge licence,
 - iv. public house licence.
2. Canteens, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
 - i. dining lounge licence,
 - ii. dining room licence,

- iii. lounge licence,
 - iv. public house licence.
3. Clubs, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which a licence is issued,
- i. a club licence,
 - ii. a club licence (restricted).
4. Hotels and inns, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
- i. dining lounge licence,
 - ii. dining room licence,
 - iii. lounge licence,
 - iv. public house licence,

and taverns and theatres, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

- v. dining lounge licence,
- vi. dining room licence,
- vii. lounge licence,

but the Board shall not issue a dining lounge licence or a lounge licence to a hotel, inn, tavern or theatre situated in a municipality in which such licences have not been issued heretofore to hotels, inns, taverns or theatres unless or until an affirmative vote has been taken on question 8 or 9, as the case may be, of subsection 1 of section 73, and section 73 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 71 is in force therein.

5. Public houses, having special accommodation, facilities and equipment prescribed by the regulations .

for the designated parts of the establishment in respect of which a licence is issued,

- i. public house licence,
 - ii. dining room licence.
6. Recreational facilities, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued,
- i. dining lounge licence,
 - ii. dining room licence,
 - iii. lounge licence,
 - iv. public house licence.
7. Resorts, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which a licence is issued,
- i. dining lounge licence,
 - ii. dining room licence.
8. Restaurants, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued a dining room licence.

(2) The Board shall not issue a dining room licence or a public house licence in any municipality in which such licences have not been issued, except in the case of, a Vote for dining room and public house licences

- (a) an establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, 1944, c. 33, including therein a privilege corresponding to the licence issued under this Act, was held on the 1st day of January, 1947; or
- (b) an establishment classified as a hotel, inn, club, railway car or steamship,

unless or until an affirmative vote has been taken on question 4, 5, 6 or 7, as the case may be, of subsection 1 of section 73, and section 73 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 71 is in force therein.

Votes re
resorts,
canteens and
recreational
facilities

(3) Notwithstanding that an affirmative vote has not been taken therefor under section 73, the Board may issue the following classes of licences to,

(a) a canteen or recreational facility,

i. dining lounge licence,

ii. dining room licence,

iii. lounge licence; and

(b) a resort,

i. dining lounge licence,

ii. dining room licence.

s. 56,
amended

3. Section 56 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by adding thereto the following subsection:

Card as
proof of
age

(7) A person who sells or supplies liquor to another person or permits another person to enter or be upon licensed premises shall be deemed not to be in contravention of subsection 1, 2 or 5 if, before he sells or supplies the liquor or permits the other person to enter or be upon the premises, a card in the form prescribed under section 70a of *The Liquor Control Act* is produced to him by such other person which purports to be issued by the Liquor Control Board to the person producing it and if there is no apparent inconsistency on the face of the card or between the card and the person producing it.

R.S.O. 1970,
c. 249

s. 86,
amended

4.—(1) Section 86 of the said Act is amended by adding thereto the following clauses:

(ja) prescribing the facilities that are recreational facilities for the purposes of paragraph 22a of section 1;

(jb) prescribing the maximum periods in which motion pictures may be shown in theatres for the purposes of paragraph 28 of section 1.

s. 86 (m),
amended

(2) Clause m of the said section 86 is amended by striking out "or military mess" in the second line.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Liquor Licence Amendment Act, 1973*.

An Act to amend
The Liquor Licence Act

1st Reading

June 7th, 1973

2nd Reading

June 15th, 1973

3rd Reading

June 15th, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

CA20N

XB

-B56

BILL 147

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Liquor Control Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendments provide for the issuing by the Board of cards as evidence of proof of age for the purposes of serving liquor.

An Act to amend The Liquor Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 70 of *The Liquor Control Act*, being chapter 249 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by adding thereto the following subsection:

(5) A person who sells or supplies liquor to another person shall be deemed not to be in contravention of subsection 1 or 2 if before he sells or supplies the liquor, a card in the form prescribed under section 70a is produced to him by the person to whom he sells or supplies the liquor, which purports to be issued by the Board to the person producing it and if there is no apparent inconsistency on the face of the card or between the card and the person producing it.

2. The said Act is amended by adding thereto the following section:

70a.—(1) Any person who is over the age of eighteen years and not an interdicted person may apply to the Board for a card certifying that such person has attained the age of eighteen years.

(2) A card issued by the Board shall contain a photographic likeness of the applicant and otherwise be in the form prescribed by the regulations.

(3) The Board, with the approval of the Lieutenant Governor in Council, may make regulations prescribing the form and content of the application and of the card, requiring the payment of a fee for its issuance and prescribing the amount thereof.

(4) No person shall supply false information or a false photographic likeness in an application made under subsection 1, or alter in any way, any card issued by the Board.

False card

(5) No person shall present as evidence of his age any card purporting to be issued by the Board other than a card issued to him by the Board.

Offence

(6) Every person who contravenes the provisions of subsection 4 or 5 of this section is guilty of an offence and liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Liquor Control Amendment Act, 1973*.

An Act to amend
The Liquor Control Act

1st Reading

June 7th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)



CAZON *House*
XB
-B56

BILL 147

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Liquor Control Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



An Act to amend The Liquor Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 70 of *The Liquor Control Act*, being chapter 249 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by adding thereto the following subsection:

(5) A person who sells or supplies liquor to another person shall be deemed not to be in contravention of subsection 1 or 2 if before he sells or supplies the liquor, a card in the form prescribed under section 70a is produced to him by the person to whom he sells or supplies the liquor, which purports to be issued by the Board to the person producing it and if there is no apparent inconsistency on the face of the card or between the card and the person producing it.

2. The said Act is amended by adding thereto the following section:

70a.—(1) Any person who is over the age of eighteen years and not an interdicted person may apply to the Board for a card certifying that such person has attained the age of eighteen years.

(2) A card issued by the Board shall contain a photographic likeness of the applicant and otherwise be in the form prescribed by the regulations.

(3) The Board, with the approval of the Lieutenant Governor in Council, may make regulations prescribing the form and content of the application and of the card, requiring the payment of a fee for its issuance and prescribing the amount thereof.

(4) No person shall supply false information or a false photographic likeness in an application made under subsection 1, or alter in any way, any card issued by the Board.

False card	(5) No person shall present as evidence of his age any card purporting to be issued by the Board other than a card issued to him by the Board.
Offence	(6) Every person who contravenes the provisions of subsection 4 or 5 of this section is guilty of an offence and liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.
Commencement	3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
Short title	4. This Act may be cited as <i>The Liquor Control Amendment Act, 1973</i> .

An Act to amend
The Liquor Control Act

1st Reading

June 7th, 1973

2nd Reading

June 15th, 1973

3rd Reading

June 15th, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

GOVERNMENT
Publications

An Act to amend The Ophthalmic Dispensers Act

Mr. Roy



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the election of a Board of Ophthalmic Dispensers, five of whom are to be ophthalmic dispensers and two of whom are to be lay members.

The Bill also limits the number of members from one corporation which may be on the Board at any one time.

An Act to amend The Ophthalmic Dispensers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 2 and 3 of *The Ophthalmic Dispensers Act*, being chapter s. 2.
334 of the Revised Statutes of Ontario, 1970, are repealed and re-enacted
the following substituted therefor: s. 3.
repealed

2.—(1) Subject to subsection 4, the ophthalmic dispensers shall elect a board consisting of not fewer than seven members, five of whom shall be ophthalmic dispensers and two of whom shall be lay members, to be known as the Board of Ophthalmic Dispensers. Election of Board

(2) Every member of the Board shall hold office for a period of two years, but any member is eligible for re-election at the expiration of his term of office. Term of office

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the election of a person from ophthalmic dispensers or otherwise, as the case may be, to hold office for the remainder of the term of such member. Vacancies

(4) Not more than two ophthalmic dispensers who are employees of a corporation which employs ophthalmic dispensers shall be members of the Board at the same time. Limit on number of members

2. Section 6 of the said Act is amended by adding thereto the following clause: s. 6.
amended

(g) the method of conducting elections under section 2.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1973*. Short title

An Act to amend
The Ophthalmic Dispensers Act

1st Reading

June 7th, 1973

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

CA20N

XB

-B 56

BILL 149

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Conservation Authorities Act

THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The principle of subsection 2 of section 3 of the Act is extended to all municipalities.

SECTIONS 2, 3 and 4. The specific provisions respecting the grouping of municipalities for the purpose of appointing members of authorities are replaced by a provision of general application.

SECTION 5. The amendment corrects a reference.

SECTION 6. The new subsection provides that where, in accordance with the provisions of the Act, the number of members of an authority is less than four, the Lieutenant Governor in Council may increase the number and determine the number of members of each participating authority.

An Act to amend The Conservation Authorities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Conservation Authorities Act*, ^{s. 3 (2), re-enacted} being chapter 78 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(2) Where a municipality is only partly within the watershed, ^{Area over which authority has jurisdiction} the Lieutenant Governor in Council may include the whole or that part of the municipality in the area over which the authority has jurisdiction.

2. Clause *c* of subsection 4 of section 5 of the said Act, as re-enacted ^{s. 5 (4) (c), repealed} by the Statutes of Ontario, 1971, chapter 64, section 2, is repealed.

- 3.—(1) Clause *a* of subsection 2 of section 7 of the said Act is ^{s. 7 (2) (a), amended} amended by striking out “and designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to the Authority” in the third, fourth, fifth and sixth lines.

(2) Clause *b* of subsection 2 of the said section 7 is repealed. ^{s. 7 (2) (b), repealed}

4. The said Act is amended by adding thereto the following section: ^{s. 7a, enacted}

7a. The Lieutenant Governor in Council may designate any ^{Grouping of municipalities} group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to a conservation authority and provide for the appointment of the member or members to be appointed by a group of municipalities.

5. Section 11 of the said Act is amended by striking out “8” in the ^{s. 11, amended} fourteenth line and inserting in lieu thereof “9”.

6. Section 13 of the said Act is amended by adding thereto the ^{s. 13, amended} following subsection:

Idem	(1 <i>a</i>) Where the total number of members that may be appointed under subsection 1 is less than four, the Lieutenant Governor in Council may increase the total number of members that may be appointed and determine the number of members that a participating municipality may appoint.
s. 23, amended	7. Section 23 of the said Act is amended by adding thereto the following subsection:
Exception	(1 <i>a</i>) Notwithstanding subsection 1, the approval of the Ontario Municipal Board is not required in respect of a project that is composed of phases, each of which can be implemented in any year without a participating municipality being required to raise funds for a phase other than in the year of implementation of the phase, provided that each phase shall be deemed to be a project for the year of its implementation for the purposes of section 24.
s. 27 (1) (<i>b</i>), amended	8.— (1) Clause <i>b</i> of subsection 1 of section 27 of the said Act is amended by inserting after “regulating” in the first line “or requiring the permission of the authority for”.
s. 27 (1) (<i>e</i>), amended	(2) Clause <i>e</i> of subsection 1 of the said section 27, as re-enacted by the Statutes of Ontario, 1971, chapter 64, section 5, is amended by inserting after “regulating” in the first line “or requiring the permission of the authority for”.
s. 27 (1) (<i>f</i>), amended	(3) Clause <i>f</i> of subsection 1 of the said section 27 is amended by inserting after “regulating” in the first line “or requiring the permission of the authority for”.
s. 27, amended	(4) The said section 27, as amended by the Statutes of Ontario, 1971, chapter 64, section 5, is further amended by adding thereto the following subsections:
Hearing	(2 <i>a</i>) Before refusing permission required under a regulation made under clause <i>b</i> , <i>e</i> or <i>f</i> of subsection 1, the authority, or where the power to issue permission has been delegated to its executive committee, the executive committee shall hold a hearing to which the applicant shall be a party.
Reasons for decision	(2 <i>b</i>) After holding a hearing under subsection 2 <i>a</i> , the authority or committee, as the case may be, shall give written reason for its refusal to the applicant.
Appeal	(2 <i>c</i>) An applicant who has been refused permission may, within thirty days of the receipt of the reasons for the decision, appeal to the Minister who may dismiss the appeal or grant the permission.

SECTION 7. The new subsection provides that the approval of the Ontario Municipal Board is not required in respect of a project that is phased in the manner set out.

SECTION 8. Hearings and appeals are provided for in cases of refusals of conservation authorities to give permission for diversions of waters, filling of areas and construction of buildings or structures.

SECTION 9. Self-explanatory.

SECTION 10. *The Municipal Conflict of Interest Act, 1972* is made applicable to members of authorities.

9. No regulation made under clause *b*, *e* or *f* of subsection 1 of section 27 of *The Conservation Authorities Act*, or any predecessor thereof, shall be held to be invalid by reason of its being made before section 8 of this Act comes into force. <sup>Absence of
invalidity</sup>
10. Section 36 of the said Act is repealed and the following substituted therefor: <sup>s. 36,
re-enacted</sup>
36. *The Municipal Conflict of Interest Act*, 1972 applies <sup>Conflict
of interest
1972, c. 142</sup>
mutatis mutandis to a member of a conservation authority.
11. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
12. This Act may be cited as *The Conservation Authorities Amendment Act*, 1973. ^{Short title}

An Act to amend
The Conservation Authorities Act

1st Reading

June 8th, 1973

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(*Government Bill*)



CA20N

XB

-B 56

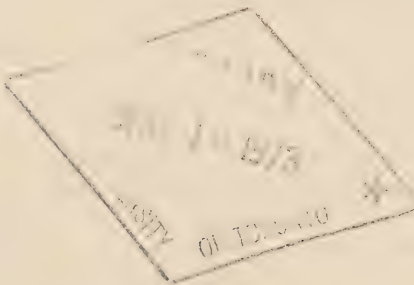
BILL 149

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Conservation Authorities Act

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Conservation Authorities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Conservation Authorities Act*, ^{s. 3 (2),} being chapter 78 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(2) Where a municipality is only partly within the watershed, ^{Area over} the Lieutenant Governor in Council may include the whole or ^{which} that part of the municipality in the area over which the ^{authority} has jurisdiction ^{has juris-} authority has jurisdiction.

2. Clause *c* of subsection 4 of section 5 of the said Act, as re-enacted ^{s. 5 (4) (c),} by the Statutes of Ontario, 1971, chapter 64, section 2, is ^{repealed} repealed.

- 3.—(1) Clause *a* of subsection 2 of section 7 of the said Act is ^{s. 7 (2) (a),} amended by striking out “and designate any group of ^{amended} municipalities that shall be considered as one municipality for the purpose of appointing a member or members to the Authority” in the third, fourth, fifth and sixth lines.

(2) Clause *b* of subsection 2 of the said section 7 is repealed. ^{s. 7 (2) (b),} ^{repealed}

4. The said Act is amended by adding thereto the following section: ^{s. 7a,} ^{enacted}

7a. The Lieutenant Governor in Council may designate any ^{Grouping} group of municipalities that shall be considered as one ^{of municip-} municipality for the purpose of appointing a member or ^{palities} members to a conservation authority and provide for the appointment of the member or members to be appointed by a group of municipalities.

5. Section 11 of the said Act is amended by striking out “8” in the ^{s. 11,} fourteenth line and inserting in lieu thereof “9”. ^{amended}

6. Section 13 of the said Act is amended by adding thereto the ^{s. 13,} following subsection: ^{amended}

Idem	(1 <i>a</i>) Where the total number of members that may be appointed under subsection 1 is less than four, the Lieutenant Governor in Council may increase the total number of members that may be appointed and determine the number of members that a participating municipality may appoint.
s. 23, amended	7. Section 23 of the said Act is amended by adding thereto the following subsection:
Exception	(1 <i>a</i>) Notwithstanding subsection 1, the approval of the Ontario Municipal Board is not required in respect of a project that is composed of phases, each of which can be implemented in any year without a participating municipality being required to raise funds for a phase other than in the year of implementation of the phase, provided that each phase shall be deemed to be a project for the year of its implementation for the purposes of section 24.
s. 27 (1) (<i>b</i>), amended	8.—(1) Clause <i>b</i> of subsection 1 of section 27 of the said Act is amended by inserting after “regulating” in the first line “or requiring the permission of the authority for”.
s. 27 (1) (<i>e</i>), amended	(2) Clause <i>e</i> of subsection 1 of the said section 27, as re-enacted by the Statutes of Ontario, 1971, chapter 64, section 5, is amended by inserting after “regulating” in the first line “or requiring the permission of the authority for”.
s. 27 (1) (<i>f</i>), amended	(3) Clause <i>f</i> of subsection 1 of the said section 27 is amended by inserting after “regulating” in the first line “or requiring the permission of the authority for”.
s. 27, amended	(4) The said section 27, as amended by the Statutes of Ontario, 1971, chapter 64, section 5, is further amended by adding thereto the following subsections:
Hearing	(2 <i>a</i>) Before refusing permission required under a regulation made under clause <i>b</i> , <i>e</i> or <i>f</i> of subsection 1, the authority, or where the power to issue permission has been delegated to its executive committee, the executive committee shall hold a hearing to which the applicant shall be a party.
Reasons for decision	(2 <i>b</i>) After holding a hearing under subsection 2 <i>a</i> , the authority or committee, as the case may be, shall give written reasons for its refusal to the applicant.
Appeal	(2 <i>c</i>) An applicant who has been refused permission may, within thirty days of the receipt of the reasons for the decision, appeal to the Minister who may dismiss the appeal or grant the permission.

9. No regulation made under clause *b, e* or *f* of subsection 1 of section 27 of *The Conservation Authorities Act*, or any predecessor thereof, shall be held to be invalid by reason of its being made before section 8 of this Act comes into force. Absence of
invalidity
10. Section 36 of the said Act is repealed and the following substituted therefor: s. 36,
re-enacted
36. *The Municipal Conflict of Interest Act, 1972* applies *mutatis mutandis* to a member of a conservation authority. Conflict
of interest
1972, c. 142
11. This Act comes into force on the day it receives Royal Assent. Commence-
ment
12. This Act may be cited as *The Conservation Authorities Amendment Act, 1973*. Short title

An Act to amend
The Conservation Authorities Act

1st Reading

June 8th, 1973

2nd Reading

October 9th, 1973

3rd Reading

October 22nd, 1973

THE HON. L. BERNIER
Minister of Natural Resources

CA20N

XB

-B56

BILL 150

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Governor
Printed

An Act to amend The Planning Act

MR. BRAITHWAITE



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to provide for increased citizen participation in the planning system.

BILL 150

1973

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 12 of *The Planning Act*, being chapter ^{s. 12 (2),} 349 of the Revised Statutes of Ontario, 1970, is repealed and ^{re-enacted} the following substituted therefor:

(2) No plan shall be recommended for adoption unless, <sup>Recom-
mendation
of plan</sup>

(a) it is approved by a vote of the majority of all the members of the planning board; and

(b) a public hearing for the purpose of inquiring into the merits of the plan and of hearing any objections to the plan is held.

2. Section 15 of the said Act is amended by adding thereto the ^{s. 15,} following subsection: ^{amended}

(3) Where part of a plan is referred to the Municipal Board <sup>Public
hearing</sup> under subsection 1, before giving its approval, the Municipal Board shall hold a public hearing for the purpose of inquiring into the merits of that part of the plan and of hearing any objections to that part of the plan.

3. Section 17 of the said Act is amended by adding thereto the ^{s. 17,} following subsections: ^{amended}

(6) Where the Minister requires a report of the planning <sup>Public
hearing</sup> board under subsection 2 or 4, the planning board shall hold a public hearing for the purpose of inquiring into the merits of the amendment, repeal or proposal, as the case may be, and of hearing any objections to the amendment, repeal or proposal, as the case may be.

(7) Where the Minister refers a proposal to the Municipal ^{Idem} Board or a public authority under subsection 4, the Muni-

cipal Board or the public authority, as the case may be, shall hold a public hearing for the purpose of inquiring into the merits of the proposal and of hearing any objections to the proposal.

s. 22,
amended

- 4.** Section 22 of the said Act is amended by adding thereto the following subsections:

Report of
planning
board and
public
hearing

(2a) Before giving his approval under subsection 2, the Minister shall, after the planning board has held public hearings for the purpose of inquiring into the merits of the designation and of hearing any objections to the designation, require that a report of the planning board be obtained in respect of the designation.

.

Report of
planning
board and
public
hearing

(7a) Before giving its approval under subsection 7, the Municipal Board may, after the planning board has held public hearings for the purpose of inquiring into the merits of the amendment and of hearing any objections to the amendment, require that a report of the planning board be obtained in respect of the amendment.

Commence-
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Planning Amendment Act, 1973*.

BILL 150

An Act to amend The Planning Act

1st Reading

June 8th, 1973

2nd Reading

3rd Reading

MR. BRAITHWAITE

(Private Member's Bill)

CA20N

XB

BILL 151

Government Bill

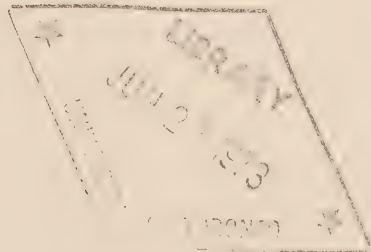
-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Government
Publications

**An Act to establish
The Regional Municipality of Halton**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the formation of four area municipalities by the annexation and amalgamation of the seven local municipalities in the County of Halton, excluding therefrom a portion of the Town of Oakville. It also provides for the dissolution of the County of Halton and the incorporation of The Regional Municipality of Halton.

The Bill is divided into ten Parts:

- PART I Area municipalities
- PART II Incorporation and establishment of the Council of the
 Regional Area
- PART III Regional Road System
- PART IV Planning
- PART V Health and Welfare Services
- PART VI Police
- PART VII Regional Waterworks System
- PART VIII Regional Sewage Works
- PART IX Finances
- PART X General

An Act to establish The Regional Municipality of Halton

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Burlington, the Town of Oakville, the Town of Central Halton and the Town of North Halton, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning

board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (i) “local municipality” means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) “merged area” means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality or a portion of a local municipality constituted as an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) “Ministry” means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) “money by-law” means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) “Municipal Board” means the Ontario Municipal Board;
- (o) “Regional Area”,
 - (i) until the 1st day of January, 1974, means the area included within the County of Halton excluding that portion of the Town of Oakville included in the area municipality of the City of Mississauga as defined in clause *a* of subsection 1 of section 2 of *The Regional Municipality of Peel Act, 1973*, and excluding the Police Village of Eden Mills, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included with the area municipalities;
- (p) “Regional Corporation” means The Regional Municipality of Halton;

- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution
of area
municipalities

- (a) The portion of the Town of Burlington, described as follows, is incorporated as a city municipality bearing the name of The Corporation of the City of Burlington:

COMMENCING where the west limit of the present Town of Burlington intersects the highwater mark of Hamilton Harbour;

THENCE northerly, easterly and northerly along that limit to the centre-line of No. 10 Side Road;

THENCE easterly along that centre-line to the centre-line of the road known as Bell School Line;

THENCE southerly along that centre-line to the centre-line of No. 2 Side Road;

THENCE westerly along that centre-line to the line between Lots 3 and 4, Concession II North of Dundas Street;

THENCE southerly along that line to the centre-line of No. 1 Side Road;

THENCE easterly along that centre-line to the east limit of the present Town of Burlington;

THENCE southerly along that limit to the highwater mark of Lake Ontario.

- (b) The portion of the Town of Oakville, described as follows is continued as a town municipality:

COMMENCING where the west limit of the present Town of Oakville intersects the highwater mark of Lake Ontario;

THENCE northerly along that limit to the centre-line of Burnhamthorpe Road;

THENCE easterly along that centre-line to the centre-line of the King's Highway No. 25;

THENCE generally northerly along that centre-line to the centre-line of the Base Line Road;

THENCE easterly along that centre-line to the centre-line of the Fourth Line Road;

THENCE southeasterly along that centre-line to the line between the north and south halves of Concession II, North of Dundas Street;

THENCE easterly along that line to the east limit of the Ninth Line Road;

THENCE southerly along that limit to the centre-line of the King's Highway No. 5;

THENCE easterly along that centre-line to the east limit of the present Town of Oakville;

THENCE southerly along that limit to the highwater mark of Lake Ontario;

THENCE southerly, westerly and northerly to the place of commencement, all in accordance with the limits described in subsection 2 of section 8 of *The Territorial Division Act*.

R.S.O. 1970,
c. 458

- (c) The Town of Milton is continued as a town municipality bearing the name of The Corporation of the Town of Central Halton and those portions of the Township of Nassagaweya, the Township of Esquesing, the Town of Oakville, and the Town of Burlington, described as follows, are annexed to such Town:

FIRSTLY. Part of the Township of Nassagaweya, commencing where the north limit of the Township of Nassagaweya intersects the east limit of the Police Village of Eden Mills;

THENCE easterly, southerly, westerly and northerly along the north, east, south and west limits of the Township of Nassagaweya to the north limit of said Township;

THENCE easterly along that north limit to the west limit of the Police Village of Eden Mills;

THENCE along the limits of the said Police Village of Eden Mills the following courses;

SOUTH along the line between the east and west halves of Lot 32, Concession II to the south limit of Lot 32;

EAST along that limit and the south limit of Lot 32, Concession III to the line between the east and west halves of Lot 32, Concession III;

NORTH along that line to the place of commencement.

SECONDLY. Part of the Township of Esquesing, commencing where the south limit of the Township of Esquesing intersects the west limit of the present Town of Milton;

THENCE westerly along that south limit to the west limit of the Township of Esquesing;

THENCE north along that limit to the centre-line of Campbellville Road;

THENCE easterly along that centre-line to the line between the east and west halves of Concession V of the said Township;

THENCE southerly along that line to the south limit of the Township of Esquesing;

THENCE westerly along that limit to the easterly limit of the Town of Milton;

THENCE northwesterly and southerly along the limits of the Town of Milton to the place of commencement.

THIRDLY. Part of the Town of Oakville, commencing where the north limit of the present Town of Oakville intersects the east limit of the present Town of Milton;

THENCE easterly along that north limit of the Town of Oakville to the centre-line of the Fourth Line Road;

THENCE southerly along that centre-line to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the east limit of the Ninth Line Road;

THENCE southerly along that limit to the line between the north and south halves of Concession II, North of Dundas Street;

THENCE westerly along that line to the centre-line of the Fourth Line Road;

THENCE northwesterly along that centre-line to the centre-line of the Base Line Road;

THENCE westerly along that centre-line to the centre-line of the King's Highway No. 5;

THENCE generally southerly along that centre-line to the centre-line of Burnhamthorpe Road;

THENCE westerly along that centre-line to the west limit of the present Town of Oakville;

THENCE northerly along that limit to the north limit of the said Town;

THENCE easterly along that limit to the west limit of the present Town of Milton;

THENCE southerly, easterly and northerly along the limits of the said Town to the place of commencement.

FOURTHLY. Part of the Town of Burlington, commencing where the west limit of the present Town of Burlington intersects the centre-line of No. 10 Side Road;

THENCE northerly, easterly and southerly along the west, north and east limits of the said Town to centre-line of Burnhamthorpe Road;

THENCE westerly along that centre-line to the line between Lots 3 and 4, Concession II, North of Dundas Street;

THENCE northerly along that line to the centre-line of No. 2 Side Road;

THENCE easterly along that centre-line to the centre-line of the road known as Bell School Line;

THENCE northerly along that centre-line to the centre-line of No. 10 Side Road;

THENCE westerly along that centre-line to the place of commencement.

- (d) The Town of Acton and the Town of Georgetown are amalgamated as a town municipality bearing the name of The Corporation of the Town of North Halton and those portions of the Township of Esquesing and the Town of Oakville, described as follows, are annexed to such Town.

FIRSTLY. Part of the Township of Esquesing, commencing where the west limit of the Township of Esquesing intersects the centre-line of Campbellville Road;

THENCE northerly, easterly, southerly and westerly along the west, north, east and south limit of said Township to the southerly prolongation of the line between the east and west halves of Concession V of said Township;

THENCE northerly along that line to the centre-line of Campbellville Road;

THENCE westerly along that centre-line to the place of commencement;

SAVING AND EXCEPTING the Town of Acton and the Town of Georgetown.

SECONDLY. Part of the Town of Oakville, commencing where the north limit of the present Town of Oakville intersects the centre-line of Fourth Line Road;

THENCE easterly and southerly along the north and east limits of the Town of Oakville to the centre-line median of the Macdonald-Cartier Freeway;

THENCE generally westerly along that centre-line to the centre-line of Fourth Line Road;

THENCE northerly along that centre-line to the place of commencement.

Dissolution
of police
village

(2) The police village of Campbellville is dissolved on the 1st day of January, 1974.

Amalgama-
tions,
annexations,
and dissolu-
tions deemed
by Municipal
Board
orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations, and dissolutions provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Referendum
re area
municipality
names

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of area
municipal
councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

- 1. The City of Burlington—sixteen members elected by wards.
- 2. The Town of Oakville—twelve members elected by wards.

3. The Town of Central Halton—ten members elected by wards.
4. The Town of North Halton—twelve members elected by wards.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976. First elections and term of office

(3) For the purposes of the elections of the first councils of the area municipalities, and members thereof to represent the area municipality on the Regional Council, Idem

- (a) the Minister may by order, divide into wards each area municipality as constituted by section 2 and make provision for the respective numbers of members of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;
- (b) the Minister may by order, provide for the qualification of candidates; and
- (c) the Minister shall by order,
 - (i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, and preparation of polling lists, and
 - (ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*. Application of 1972, c. 95

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. Organization Committee in 1973

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. First election expenses

5. No area municipality shall have a Board of Control. No Board of Control

PART II

INCORPORATION AND ESTABLISHMENT OF THE
REGIONAL COUNCIL

Regional
Corporation
constituted

6.—(1) On the 15th day of October, 1973, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Halton".

Deemed
municipality
under R.S.O.
1970, cc. 118,
323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area
deemed
judicial
district
R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Halton, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Halton
deemed
appointments
for Judicial
District
of Halton

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Halton shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Halton.

Regional
Council to
exercise
corporate
powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of twenty-five members composed of a chairman and,

(a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

- (b) eight members of council from the City of Burlington, elected by wards as members of the Regional Council and the council of such area municipality;
- (c) six members of council from the Town of Oakville, elected by wards as members of the Regional Council and the council of such area municipality;
- (d) two members of council from the Town of Central Halton, elected by wards as members of the Regional Council and the council of such area municipality;
- (e) four members of council from the Town of North Halton, elected by wards as members of the Regional Council and the council of such area municipality.

(2) The members elected to the Regional Council in the year 1973, under the provisions of subsection 1, shall hold office for the years 1973, 1974, 1975 and 1976. ^{Term of office}

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. ^{Appointment of chairman by Lieutenant Governor in Council}

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. ^{Election of chairman}

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. ^{Where chairman becomes a member of area council}

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. ^{Failure to elect chairman}

First
meeting in
1973

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the years 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate
of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and declara-
tion of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office
R.S.O. 1970,
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When
Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

11.—(1) Thirteen members of the Regional Council representing three area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

12. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. Place of meeting

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor. Other members

(5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils. Resignation

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one Where head of council incapacitated

month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remunera-
tion

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

Idem

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remunera-
tion of
committee
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.

Procedural
by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of
Council

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
adminis-
trative
officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. Application of R.S.O. 1970, c. 284

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. Acting chairman

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation. Idem

20.—(1) The Regional Council shall appoint a clerk, whose duty it is, Appointment of clerk

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk. Deputy clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. Acting clerk

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section. Acting clerk, first meeting

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt
and disburse-
ment of
money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or

resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund ^{Petty cash fund} of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The 1972, c. 142 Municipal Conflict of Interest Act, 1972.* ^{When member may be paid}

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. ^{Treasurer's liability limited}

24. Subject to subsection 3 of section 23, the treasurer ^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof, the Regional Corporation or a local board thereof shall be

deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or a local board ^{Idem} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board ^{Sick leave credits} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board ^{Holidays} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof the Regional Corporation or local board thereof, shall during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(5) The Regional Council shall offer to employ every person ^{Offer of employment} who, on the 1st day of April, 1973, is employed by the County of Halton or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973.

Entitlement
to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Application
of R.S.O.
1970, c. 324

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Pension
rights and
sick leave
credits

(11) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

REGIONAL ROAD SYSTEM

28. In this Part,Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Halton shall constitute the regional road system, except any such roads which on the 1st day of January, 1974, are within the City of Mississauga and constitute part of the regional road system of The Regional Municipality of Peel.

County roads to constitute regional road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Adding or removing roads by by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Transfer of provincial highway to Regional Corporation

R.S.O. 1970, c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Vesting of roads in regional road system

Removal of
roads from
regional
road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed
from system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status
of land
acquired for
widening
regional
road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

Application
of R.S.O.
1970, c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of
construc-
tion and
maintenance

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Furnishing of
information
to Minister

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Maintenance
and repair

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Halton or the County of Peel or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Halton or the County of Peel or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system.

Power
over roads
assumed

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area municipi-
palities may
construct
sidewalks,
etc.

How cost
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Area municipi-
pality to
conform to
requirements
and be
responsible
for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Installation
of traffic
control
devices

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation
of intersect-
ing roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Intersection
of other
roads by
regional
road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation
R.S.O. 1970, cc. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

Establishment of bus lanes

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

Contribution
toward cost
of signal-
lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic
control
within 100
feet of
regional
roads
R.S.O. 1970,
c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements
for
pedestrian
walks

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes
as to
maintenance,
etc., of
bridges and
highways
R.S.O. 1970,
c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the

Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. Term of order

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between area municipalities R.S.O. 1970, c. 284

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between Regional Area and adjoining municipality

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. Restrictions R.S.O. 1970, c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. Conflict with local by-laws

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road. Controlled-access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to road Notice of application for approval for closing road

such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95,
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

48. The Regional Council may pass by-laws prohibiting Private roads, etc., or regulating the construction or use of any private road, opening upon entranceway, structure or facility as a means of access to a regional controlled-access road regional controlled-access road.

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48. ^{Notice}

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, ^{Service of notice} and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days ^{Failure to comply with notice} after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. ^{Offence}

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be, ^{Compensation}

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system. ^{Regional liability where road forms part of system}

- Idem** (2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.
- R.S.O. 1970, c. 255**
- Default** (3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.
- Settling of doubts** (4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.
- Stopping-up highways** **51.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.
- Agreement** (2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.
- Appointment of roads commissioner** **52.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional system.
- R.S.O. 1970, c. 366**
- Application of** **53.** Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.
- R.S.O. 1970, c. 201**

PART IV

PLANNING

- Planning area** **54.**—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Halton Planning Area.
- R.S.O. 1970, c. 349**

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Halton Planning Area. Designated municipality R.S.O. 1970, c. 349

(3) All planning areas and subsidiary planning areas that are included in the Halton Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973. Planning areas dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board. Area municipalities subsidiary planning areas

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area. Proviso

(6) When the Minister has approved an official plan adopted by the Regional Council, Effect of official plan

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Halton Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Halton Planning Area, and without limiting the generality of the foregoing shall, Planning duties of Regional Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Halton Planning Area;

(b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Halton Planning Area; and

(c) consult with any local board having jurisdiction within the Halton Planning Area.

- Official plan (2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.
- Appointment of planning staff (3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.
- Regional Corporation deemed municipality under R.S.O. 1970, c. 349 (4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.
- Idem (5) The Regional Corporation shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.
- Agreements re plans of subdivision (6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.
- Agreements re special studies (7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Halton Planning Area or any part thereof.
- Delegation of Minister's powers (8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.
- Committees of adjustment (9) All committees of adjustment heretofore constituted by the council of a local municipality in the Halton Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.
- Land division committee (10) On or before the 1st day of January, 1973, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of R.S.O.
1970, c. 349

56. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents
R.S.O. 1970,
cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Halton, excluding that part of the Town of Oakville which becomes part of the City of Mississauga, and the Police Village of Eden Mills, on the 1st day of January, 1974.

Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974.

Proviso

58.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payment of principal and interest to area municipalities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Hospital costs form part of regional levy

Regional
Area to
be health
unit
R.S.O. 1970,
c. 377

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Halton Regional Board of Health.

Dissolution
of Halton
health unit

(2) The health unit serving the County of Halton on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Peel Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974, the Halton Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
members

(2) The members of the Halton Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Halton Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

Regional Corporation deemed county under R.S.O. 1970, c. 104, 192, 203

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability for homes for aged R.S.O. 1970, c. 206

(2) The home for the aged known as Halton Centennial Manor and all assets and liabilities thereof together with all the real and personal property of such home, vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Halton county home for aged vested in Regional Corporation

63.—(1) The Regional Corporation shall pay to the Committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of other homes for aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional Corporation deemed municipality under R.S.O. 1970, c. 64

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing liabilities transferred 1965, c. 14

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regionals Corporation and not by the area municipality.

Liability under order made under R.S.C. 1970, c. J-3

Information

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

68. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

70. In this Part, "Halton Police Board" means the Halton Regional Board of Commissioners of Police.

Halton
Regional
Board
established
R.S.O. 1970,
c. 351

71.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973 a board of commissioners of police shall be constituted to be known as the Halton Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of Halton designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Halton Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Halton Police Board appointed by the Lieutenant Governor in Council, and the members appointed

by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

- 72.**—(1) On and after the 1st day of January, 1974, Regional Corporation deemed city under R.S.O. 1970, c. 351
- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
 - (b) *The Police Act* does not apply to any area municipality; and
 - (c) The Halton Police Board and the members of the Halton Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws Fines of any area municipality, shall, where prosecuted by the Halton Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force Area police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Halton Regional Police Force, and the provisions of subsections 4 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a Halton Regional Police Force local municipality on the 31st day of December, 1973, and becomes a member of the Halton Regional Police Force on the 1st day of January, 1974, is subject to the government of the Halton Police Board to the same extent as if appointed by the Halton Police Board and the Halton Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Halton Regional Police Force.

(3) Every person who becomes a member of the Halton Terms of employment Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Halton Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System supplementary plan as established for the Town of Burlington Police Force;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Halton Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Halton Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Halton Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

Joint
bargaining
committee

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Halton Police Board in the manner and for the purposes provided in *The Police Act* and the Halton Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1970.
c. 351

Time of
meeting

(6) The first meeting of the bargaining committee and the Halton Police Board shall be held not later than the 30th day of November, 1973.

Application
of
R.S.O. 1970.
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Halton Police Board.

74. (1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Halton Police Board any such land or building that the Halton Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. Assumption of buildings

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

- (6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

- (7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Halton Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Halton Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office
supplies, etc.

- (8) At the request of the Halton Police Board, each area municipality, for the use of the Halton Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

- (9) All signal and communication systems owned by any local municipality and used for the purposes of the police

force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Halton Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Halton Police Board.

Property
to be
provided

PART VII

REGIONAL WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Region to
be sole
distributor
of water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

No area
municipality
to distribute
water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature

Vesting of
water supply
facilities

whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement.

R.S.O. 1970,
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Water
supply
agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

PART VIII

REGIONAL SEWAGE WORKS

Regional
Corporation
responsible
for sanitary
sewage

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided for in subsection 8, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any

Act for the collection and disposal of sewage, except as provided in subsection 8.

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

Vesting of
sanitary
sewage
facilities

Regional
Corporation
liability

R.S.O. 1970,
c. 255

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Default

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Special
rates

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as

Agreements

provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Land
drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of area
municipal
land
drainage
systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising
of money
by area
municipality

(10) An area municipality may,

- (a) pay the amounts chargeable to it under subsection 6 out of its general funds; or
- (b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or
- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

R.S.O. 1970,
c. 284

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

78.—(1) In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*.

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Area municipality deemed municipality under R.S.O. 1970, c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Regional Corporation deemed regional municipality

(a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

(b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of moneys not immediately required R.S.O. 1970, c. 284

YEARLY ESTIMATES AND LEVIES

80. -(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Yearly estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Allowance to be made in estimates

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application of R.S.O. 1970, cc. 32, 284

Levy on
area muni-
cipalities

81.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized
assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
muni-
cipalities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

Amendment
of by-law
where
necessary
following
appeal

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed
assessments,
etc., not
to apply

R.S.O. 1970,
c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes, which include a payment in respect of regional levies, are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

Assessment
to include
valuations on
properties
for which
payments
in lieu of
taxes paid
R.S.O. 1970,
c. 284,
1971, c. 78,
1973, c. ...

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred

Valuation of
properties

to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1970,
c. 32

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Equalized
assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both accord-

ing to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Determina-
tion of
rates
R.S.O. 1970,
c. 405

83.—(1) Notwithstanding section 81, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy.

Levy by
Regional
Council
before
estimates
adopted

(2) Notwithstanding section 81, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81.

Levy under
s. 81, to be
reduced

(4) Notwithstanding section 82, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year of residential real property of public school supporters.

Levy by
area muni-
cipality
before
estimates
adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82.

Levy under
s. 82, be
reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application
of
R.S.O. 1970,
c. 284, s. 303 (4)

Preliminary
assessment

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 81.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for

secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425, to apply

ADJUSTMENTS

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1974
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall

Idem

be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Interpre-
tation
R.S.O. 1970,
c. 284

87.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1973 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Town of Oakville, the Town of Burlington and the Township of Esquesing.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
deter-
mination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final deter-
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970,
c. 284

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination. ^{Idem}

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred. ^{Documents and records}

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made. ^{Period of adjustment}

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation. ^{Reserve funds of municipalities}

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. ^{Idem}

90.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. ^{Reserve funds, establishment}

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. ^{Investments and income}
 ^{R.S.O. 1970, c. 470}

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to
report on
reserve
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1973, Uncompleted works

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. Bonds, debentures, etc., trustee investments

R.S.O. 1970,
c. 470

93. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. Power to incur debt or issue debentures

94.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. Idem

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. Proviso

95.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Borrowing pending issue and sale of debentures

Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest
on proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107, shall be transferred to the area municipality.

Hypotheca-
tion not
to prevent
subsequent
sale of
debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date

with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law. Special levy against area municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4. Levy by area municipalities

(7) Notwithstanding subsection 5, the Regional Council may by by-law, Instalment debentures and debentures to refund existing debentures at maturity

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause b, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall

be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law
to change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the

debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(12) All the debentures shall bear the same date, except ^{Date of debentures} where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(13) Notwithstanding the provisions of the by-law, the ^{Idem} debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(14) The Municipal Board, on the application of the Regional ^{Extension of time for issue} Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(15) The extension may be made although the application ^{Application after time expired} is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to ^{Effective date} take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the ^{Consolidation} Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. ^{Consolidating debenture by-laws R.S.O. 1970, c. 284}

(19) The by-law may provide that all the debentures ^{Redemption before maturity} or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set

for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or

- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provided that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount^{Principal levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking^{Consolidated bank} fund committee shall keep one or more consolidated bank^{accounts} accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be^{Sinking fund} a sinking fund committee that shall be composed of the^{committee} treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(25) The Regional Council may appoint an alternate mem-^{Alternate members}ber for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman (26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security (27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970,
c. 284

Quorum (28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of
sinking
fund assets

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals
from bank
accounts

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee. Release of securities by Treasurer of Ontario

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by, Earnings credited to sinking fund accounts

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the Where amount in sinking fund account more than sufficient to pay debt

estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No
diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be

provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures. ^{Term debentures}

(45) In respect of the term debentures, the by-law shall provide for raising, ^{Amounts to be raised annually}

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund. ^{Retirement fund}

97.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, ^{When rate of interest may be varied}

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;

- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypotheca-
tion not a
sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof.

Consolida-
tion of
debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments or principal and interest payable by it to the Regional Council.

Repeal of
by-law when
part only
of money
to be raised

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding

debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application to quash registered by-law, when to be made R.S.O. 1970, cc. 323, 136, 255

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by

Dismissal of application

subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with.

Failure
to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other

person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Sufficiency
of signatures

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures
on which
payment has
been made
for one year
to be valid

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

Mode of
transfer
may be
prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Require-
ments as to
endorsing
certificate of
ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in

Transfer by
entry in
Debenture
Registry
Book

subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replacement
of lost
debentures

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of
debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New debenture of same force and effect as debenture surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respect shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture an amount is ^{Surplus} realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a ^{Deficiency} deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

108. Where real or personal property acquired out of moneys ^{Use of proceeds of} received by the Regional Corporation from the sale of ^{sale of asset} hypothecation of any debentures is disposed of by sale or ^{acquired from} otherwise, the net proceeds of such disposal shall be applied ^{proceeds of sale of debentures} as an excess in accordance with subsection 3 of section 107 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

109. When the Regional Corporation intends to borrow ^{Tenders for debentures} money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for

tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

110.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,
 distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and
- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for

one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

(3) The members who vote for such application are disqualified from holding any municipal office for two years. ^{Disqualification}

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, ^{Refinancing of debentures}

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

114. In 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000, ^{Disposal of assets}

PART X

GENERAL

115.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. ^{Application of R.S.O. 1970, c. 284}

Deemed
city under
R.S.O. 1970,
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,
annexations
and amal-
gamations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses,
etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Delegation
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
municipality
for R.S.O.
1970, c. 250,
s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974 and may be amended or repealed by the council of an area municipality as it affects such area municipality.

Idem

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality

used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

(10) If the Regional Corporation fails, on or before the ^{Default} due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

116.—(1) The Regional Council may pass by-laws,

Emergency
measures,
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

Deemed
county for
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Expenditures
for diffusing
information

117. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants
to persons
engaged in
work advan-
tageous to
Regional
Area

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees
R.S.O. 1970,
c. 505

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Halton Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation by county judge of charges of malfeasance

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge
R.S.O. 1970, c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Idem

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

Commission of inquiry

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

When commission may issue

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways,
etc.

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of R.S.O.
1970, c. 23

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipi-
palities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof.

Execution
against
Regional
Corporation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Halton" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

Function
of clerk,
collector
and assessor

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

County
dissolved

126.—(1) The Corporation of the County of Halton is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Halton in any agreements to which such county was a party.

Assets and
liabilities,
etc

(2) All the assets and liabilities of the County of Halton become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Halton shall be transferred to the clerk, and on the same date the Police Village of Eden Mills is withdrawn from the County of Halton.

Powers of
Municipal
Board

127.—(1) Except as provided in this Act the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Halton.

R.S.O. 1970,
c. 284

Settling
of doubts

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

129.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

(2) The provisions of any special Act relating to the County of Halton or a local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof. Special legislation

130.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities, Municipal buildings

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1970, c. 284, s. 256

131.—(1) In this section “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or Waste disposal sites

any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Payments of principal and interest to area municipalities

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Default

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made.

O.M.B. to arbitrate

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Application of R.S.O. 1970, c. 284, s. 354

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

Agreement successor rights

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional Fire Co-ordinator

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing speed limits continued
R.S.O. 1970, c. 202

134.—(1) Notwithstanding the other provisions of the Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area

that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

By-laws of
Regional
Council and
area councils
R.S.O. 1970,
c. 202

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Existing
speed limits
continued

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Application
of R.S.O.
1970, c. 354,
s. 108

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution
of electrical
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of
commission
continue
in office

(4) The board of trustees of the Police Village of Campbellville as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the area of the said police village and be known as the Hydro-Electric Commission of Campbellville.

Board of
trustees
deemed
commission

(5) All the assets and liabilities of and pertaining to the hydro-electric system of the Police Village of Campbellville shall be assumed on the 1st day of January, 1974, by the

R.S.O. 1970,
c. 390

Assets

Hydro-Electric Commission of Campbellville and the said Commission shall be deemed to be a local board of the Town of Central Halton.

Commissions
dissolved

(6) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Members of
commission
not disqual-
ified as
members of
Council

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Boards, etc.,
dissolved

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Council
deemed
recreation
committee,
etc.
R.S.O. 1970,
cc. 120, 73

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Acquiring
land for
parks, etc.

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

R.S.O. 1970,
c. 384

Sale of
spirituous,
etc., liquors
in parks

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

R.S.O. 1970,
c. 250

Application
of R.S.O.
1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*. Regional Corporation a municipality under R.S.O. 1970, c. 337, 73

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may, Public lands owned by conservation authority

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*. R.S.O. 1970, c. 202

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. Payment in lieu of taxes

138. The Halton County Museum together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation. County museum vested in Regional Corporation

139. Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, the Regional Municipality of Halton is a school division and the Halton County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for the Regional Municipality of Halton. Regional Municipality school division

140. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Halton County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Halton County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1973, Election R.S.O. 1970, c. 430

(a) the polling day for the members of The Halton County Board of Education and of The Halton County Roman Catholic Separate School Board shall

be the 1st day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area;

(b) the Minister shall, by order, provide for nomination of candidates for the Halton County Board of Education and for The Halton County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and

(c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

R.S.O. 1970,
c. 284, s. 244
not to apply

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973.

Public
library
boards
R.S.O. 1970,
c. 381

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Power of
cities in
Regional
Area to
pass by-laws

143. The Council of the City of Burlington may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Organiza-
tional
expenses

144.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation.

Terms of
payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

145.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.

Short title

146. This Act may be cited as *The Regional Municipality of Halton Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,.....,
 having been elected (*or appointed*) as chairman of the council of The Regional
 Municipality of Halton, do swear that I will be faithful and bear true
 allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign
 for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,.....,
 having been elected (*or appointed*) as chairman of the council of The Regional
 Municipality of Halton declare that:

1. I am a British subject and am not a citizen or a subject of any
 foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality
 or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be
 true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of Halton

1st Reading

June 11th, 1973

2nd Reading

3rd Reading

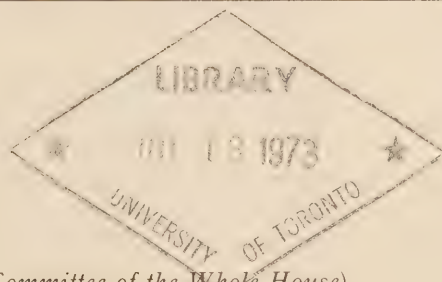
THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Halton**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill provides for the formation of four area municipalities by the annexation and amalgamation of the seven local municipalities in the County of Halton, excluding therefrom a portion of the Town of Oakville. It also provides for the dissolution of the County of Halton and the incorporation of The Regional Municipality of Halton.

The Bill is divided into ten Parts:

- PART I Area municipalities
- PART II Incorporation and establishment of the Council of the
 Regional Area
- PART III Regional Road System
- PART IV Planning
- PART V Health and Welfare Services
- PART VI Police
- PART VII Regional Waterworks System
- PART VIII Regional Sewage Works
- PART IX Finances
- PART X General

An Act to establish The Regional Municipality of Halton

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

- (a) “area municipality” means the municipality or corporation of the City of Burlington, the Town of Oakville, the Town of Central Halton and the Town of North Halton, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning

board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (i) “local municipality” means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) “merged area” means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality or a portion of a local municipality constituted as an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) “Ministry” means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) “money by-law” means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) “Municipal Board” means the Ontario Municipal Board;
- (o) “Regional Area”,
 - (i) until the 1st day of January, 1974, means the area included within the County of Halton excluding that portion of the Town of Oakville included in the area municipality of the City of Mississauga as defined in clause *a* of subsection 1 of section 2 of *The Regional Municipality of Peel Act, 1973*, and excluding that portion of the Township of Nassagaweya excluded from the said Township under clause *c* of subsection 1 of section 2, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included with the area municipalities;
- (p) “Regional Corporation” means The Regional Municipality of Halton;

- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution
of area
municipalities

- (a) The portion of the Town of Burlington, described as follows, is incorporated as a city municipality bearing the name of The Corporation of the City of Burlington:

COMMENCING where the west limit of the present Town of Burlington intersects the highwater mark of Hamilton Harbour;

THENCE northerly, easterly and northerly along that limit to the centre-line of No. 10 Side Road;

THENCE easterly along that centre-line to the centre-line of the road known as Bell School Line;

THENCE southerly along that centre-line to the centre-line of No. 2 Side Road;

THENCE easterly along that centre-line to the line between Lots 3 and 4, Concession II North of Dundas Street;

THENCE southerly along that line to the centre-line of No. 1 Side Road;

THENCE easterly along that centre-line to the east limit of the present Town of Burlington;

THENCE southerly along that limit to the highwater mark of Lake Ontario.

THENCE southerly and westerly in accordance with the Township limits in Lake Ontario established by subsection 2 of section 8 of *The Territorial Division Act*; ^{R.S.O. 1970, c. 458}

THENCE through the Burlington Canal;

THENCE northerly and westerly along the present shore line boundary of the Town of Burlington to the point of commencement.

- (b) The portion of the Town of Oakville, described as follows is continued as a town municipality:

COMMENCING where the west limit of the present Town of Oakville intersects the highwater mark of Lake Ontario;

THENCE northerly along that limit to the centre-line of Burnhamthorpe Road;

THENCE easterly along that centre-line to the centre-line of the King's Highway No. 25;

THENCE generally northerly along that centre-line to the centre-line of the Base Line Road;

THENCE easterly along that centre-line to the centre-line of the Fourth Line Road;

THENCE southeasterly along that centre-line to the line between the north and south halves of Concession II, North of Dundas Street;

THENCE easterly along that line to the east limit of the Ninth Line Road;

THENCE southerly along that limit to the centre-line of the King's Highway No. 5;

THENCE easterly along that centre-line to the east limit of the present Town of Oakville;

THENCE southerly along that limit to the highwater mark of Lake Ontario;

THENCE southerly, westerly and northerly to the place of commencement, all in accordance with the limits described in subsection 2 of section 8 of *The Territorial Division Act*.

- (c) The Town of Milton is continued as a town municipality bearing the name of The Corporation of the Town of Central Halton and those portions of the Township of Nassagaweya, the Township of Esquesing, the Town of Oakville, and the Town of Burlington, described as follows, are annexed to such Town:

FIRSTLY, Part of the Township of Nassagaweya, commencing where the north limit of the Township


of Nassagaweya intersects the east limit of the Police Village of Eden Mills being the line between the east and west halves of Lot 32, Concession III;

THENCE easterly, southerly, westerly and northerly along the north, east, south and west limits of the Township of Nassagaweya to the north limit of said Township;

THENCE easterly along the north limit to the west limit of Lot 32, Concession II;

THENCE southerly along that limit to the south limit of said Lot 32;

THENCE easterly along that limit and the south limit of Lot 32, Concession III to the line between the east and west halves of Lot 32, Concession III;

THENCE northerly along that line to the place of commencement. 

SECONDLY. Part of the Township of Esquesing, commencing where the south limit of the Township of Esquesing intersects the west limit of the present Town of Milton;

THENCE westerly along that south limit to the west limit of the Township of Esquesing;

THENCE north along that limit to the centre-line of Campbellville Road;

THENCE easterly along that centre-line to the line between the east and west halves of Concession V of the said Township;

THENCE southerly along that line to the south limit of the Township of Esquesing;

THENCE westerly along that limit to the easterly limit of the Town of Milton;

THENCE northwesterly and southerly along the limits of the Town of Milton to the place of commencement.

THIRDLY. Part of the Town of Oakville, commencing where the north limit of the present Town of Oakville intersects the east limit of the present Town of Milton;

THENCE easterly along that north limit of the Town of Oakville to the centre-line of the Fourth Line Road;

THENCE southerly along that centre-line to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the east limit of the Ninth Line Road;

THENCE southerly along that limit to the line between the north and south halves of Concession II, North of Dundas Street;

THENCE westerly along that line to the centre-line of the Fourth Line Road;

THENCE northwesterly along that centre-line to the centre-line of the Base Line Road;

THENCE westerly along that centre-line to the centre-line of the King's Highway No. 25.

THENCE generally southerly along that centre-line to the centre-line of Burnhamthorpe Road;

THENCE westerly along that centre-line to the west limit of the present Town of Oakville;

THENCE northerly along that limit to the north limit of the said Town;

THENCE easterly along that limit to the west limit of the present Town of Milton;

THENCE southerly, easterly and northerly along the limits of the said Town to the place of commencement.

FOURTHLY. Part of the Town of Burlington, commencing where the west limit of the present Town of Burlington intersects the centre-line of No. 10 Side Road;

THENCE northerly, easterly and southerly along the west, north and east limits of the said Town to centre-line of Burnhamthorpe Road;

THENCE westerly along that centre-line to the line between Lots 3 and 4, Concession II, North of Dundas Street;

THENCE northerly along that line to the centre-line of No. 2 Side Road;

THENCE westerly along that centre-line to the centre-line of the road known as Bell School Line;

THENCE northerly along that centre-line to the centre-line of No. 10 Side Road;

THENCE westerly along that centre-line to the place of commencement.

- (d) The Town of Acton and the Town of Georgetown are amalgamated as a town municipality bearing the name of The Corporation of the Town of North Halton and those portions of the Township of Esquesing and the Town of Oakville, described as follows, are annexed to such Town.

FIRSTLY. Part of the Township of Esquesing, commencing where the west limit of the Township of Esquesing intersects the centre-line of Campbellville Road;

THENCE northerly, easterly, southerly and westerly along the west, north, east and south limit of said Township to the southerly prolongation of the line between the east and west halves of Concession V of said Township;

THENCE northerly along that line to the centre-line of Campbellville Road;

THENCE westerly along that centre-line to the place of commencement;

SAVING AND EXCEPTING the Town of Acton and the Town of Georgetown.

SECONDLY. Part of the Town of Oakville, commencing where the north limit of the present Town of Oakville intersects the centre-line of Fourth Line Road;

THENCE easterly and southerly along the north and east limits of the Town of Oakville to the centre-line median of the Macdonald-Cartier Freeway;

THENCE generally westerly along that centre-line to the centre-line of Fourth Line Road;

THENCE northerly along that centre-line to the place of commencement.

Dissolution
of police
village

(2) The police village of Campbellville is dissolved on the 1st day of January, 1974.

Amalgama-
tions,
annexations,
and dissolu-
tions deemed
by Municipal
Board
orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations, and dissolutions provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Referendum
re area
municipality
names

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

(a) confirm the name of the area municipality as set out in subsection 1; or

(b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of area
municipal
councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Burlington—sixteen members elected by wards.

2. The Town of Oakville—twelve members elected by wards.

3. The Town of Central Halton—ten members elected by wards.
4. The Town of North Halton—twelve members elected by wards.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976. ^{First elections and term of office}

(3) For the purposes of the elections of the first councils of the area municipalities, and members thereof to represent the area municipality on the Regional Council, ^{Idem}

- (a) the Minister may by order, divide into wards each area municipality as constituted by section 2 and make provision for the respective numbers of members of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;
- (b) the Minister may by order, provide for the qualification of candidates; and
- (c) the Minister shall by order,
 - (i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, and preparation of polling lists, and
 - (ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*. ^{Application of 1972, c. 95}

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. ^{Organization Committee in 1973}

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities and members and trustees of school boards in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. ^{First election expenses}

5. No area municipality shall have a Board of Control. ^{No Board of Control}

PART II

INCORPORATION AND ESTABLISHMENT OF THE
REGIONAL COUNCIL

Regional
Corporation
constituted

6.—(1) On the 15th day of October, 1973, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Halton".

Deemed
municipality
under R.S.O.
1970, cc. 118,
323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area
deemed
judicial
district
R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Halton, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Halton
deemed
appointments
for Judicial
District
of Halton

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Halton shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Halton.

Regional
Council to
exercise
corporate
powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of twenty-five members composed of a chairman and,

(a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

- (b) eight members of council from the City of Burlington, elected by wards as members of the Regional Council and the council of such area municipality;
- (c) six members of council from the Town of Oakville, elected by wards as members of the Regional Council and the council of such area municipality;
- (d) two members of council from the Town of Central Halton, elected by wards as members of the Regional Council and the council of such area municipality;
- (e) four members of council from the Town of North Halton, elected by wards as members of the Regional Council and the council of such area municipality.

(2) The members elected to the Regional Council in the year 1973, under the provisions of subsection 1, shall hold office for the years 1973, 1974, 1975 and 1976. Term of office

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman member of area council

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

First
meeting in
1973

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

First
meeting of
area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the years 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate
of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and declara-
tion of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office
R.S.O. 1970,
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When
Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

11.—(1) Thirteen members of the Regional Council representing three area municipalities are necessary to form a quorum^{Quorum, voting} and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

(2) Subject to subsection 3, each member of the Regional Council has one vote only.^{One vote}

(3) The chairman does not have a vote except in the event of an equality of votes.^{Chairman vote}

12. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.^{Place of meeting}

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.^{Vacancies, chairman}

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.^{Idem}

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.^{Idem}

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.^{Other members}

(5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.^{Resignation}

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one^{Where head of council incapacitated}

month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remunera-
tion

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

Idem

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remunera-
tion of
committee
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.

Procedural
by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of
Council

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
adminis-
trative
officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies ^{Application of} to a chief administrative officer appointed under subsection 2 ^{R.S.O. 1970, c. 284} of this section.

18. When the chairman is absent from the Regional ^{Acting chairman} Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, ^{Application of} and 390 of *The Municipal Act* apply *mutatis mutandis* to the ^{R.S.O. 1970, c. 284} Regional Corporation.

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

20.—(1) The Regional Council shall appoint a clerk, ^{Appointment of clerk} whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.

(3) When the office of clerk is vacant or the clerk is unable ^{Acting clerk} to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

(4) The chairman appointed under subsection 1 of section 9 ^{Acting clerk, first meeting} shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt
and disburse-
ment of
money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or

resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund ^{Petty cash fund} of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*. ^{When member may be paid} ^{1972, c. 142}

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. ^{Treasurer's liability limited}

24. Subject to subsection 3 of section 23, the treasurer ^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof, the Regional Corporation or a local board thereof shall be

deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or a local board^{Idem} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board^{Sick leave credits} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board^{Holidays} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof the Regional Corporation or local board thereof, shall during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(5) The Regional Council shall offer to employ every person^{Offer of employment} who, on the 1st day of April, 1973, is employed by the County of Halton or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973.

Entitlement
to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Application
of R.S.O.
1970, c. 324

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Pension
rights and
sick leave
credits

(11) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

REGIONAL ROAD SYSTEM

28. In this Part,Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Halton shall constitute the regional road system, except any such roads which on the 1st day of January, 1974, are within the City of Mississauga and constitute part of the regional road system of The Regional Municipality of Peel and any such roads within that portion of the Township of Nassagaweya excluded from the said township under clause c of subsection 1 of section 2.

County
roads to
constitute
regional
road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Adding or
removing
roads by
by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Transfer of
provincial
highway to
Regional
CorporationR.S.O. 1970,
c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Vesting of
roads in
regional
road system

Removal of
roads from
regional
road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed
from system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status
of land
acquired for
widening
regional
road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

Application
of R.S.O.
1970, c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of
construc-
tion and
maintenance

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. Furnishing of information to Minister

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. Contribution towards expenditures
R.S.O. 1970, c. 201

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. Maintenance and repair

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Halton or the County of Peel or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Halton or the County of Peel or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. Power over roads assumed

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. Sidewalks excepted
R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution. Area municipalities may construct sidewalks, etc.

How cost
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Area municipi-
pality to
conform to
requirements
and be
responsible
for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Installation
of traffic
control
devices

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation
of intersect-
ing roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Intersection
of other
roads by
regional
road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation R.S.O. 1970, c. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

Establishment of bus lanes

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

Contribution
toward cost
of signal-
lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic
control
within 100
feet of
regional
roads
R.S.O. 1970,
c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements
for
pedestrian
walks

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes
as to
maintenance,
etc., of
bridges and
highways
R.S.O. 1970,
c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the

Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. Term of order

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between area municipalities R.S.O. 1970, c. 284

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between Regional Area and adjoining municipality

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. Restrictions R.S.O. 1970, c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. Conflict with local by-laws

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road. Controlled-access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to Notice of application for approval for closing road

such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95,
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private roads, etc., opening upon regional controlled-access road

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48. Notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be, Compensation

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system. Regional liability where road forms part of system

Idem (2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default (3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling of doubts (4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up highways **51.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement (2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment of roads commissioner **52.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional system.

R.S.O. 1970,
c. 366

Application of R.S.O. 1970, c. 201 **53.** Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning area **54.**—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Halton Planning Area.

R.S.O. 1970,
c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Halton Planning Area. Designated municipality R.S.O. 1970, c. 349

(3) All planning areas and subsidiary planning areas that are included in the Halton Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973. Planning areas dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board. Area municipalities subsidiary planning areas

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area. Proviso

(6) When the Minister has approved an official plan adopted by the Regional Council, Effect of official plan

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55. -(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Halton Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Halton Planning Area, and without limiting the generality of the foregoing shall, Planning duties of Regional Council

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Halton Planning Area;
- (b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Halton Planning Area; and
- (c) consult with any local board having jurisdiction within the Halton Planning Area.

- Official plan (2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.
- Appointment of planning staff (3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.
- Regional Corporation deemed municipality under R.S.O. 1970, c. 349 (4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.
- Idem (5) The Regional Corporation shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.
- Agreements re plans of subdivision (6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.
- Agreements re special studies (7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Halton Planning Area or any part thereof.
- Delegation of Minister's powers (8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.
- Committees of adjustment (9) All committees of adjustment heretofore constituted by the council of a local municipality in the Halton Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.
- Land division committee (10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.
- Application of R.S.O. 1970, c. 349 **56.** Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for
hospitaliza-
tion of
indigents
R.S.O. 1970,
cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Halton, excluding that part of the Town of Oakville which becomes part of the City of Mississauga, and that portion of the Township of Nassagaweya excluded from the said township under clause c of subsection 1 of section 2, on the 1st day of January, 1974.

Existing
liabilities
transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974.

Proviso

58.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Aid to
hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payment of
principal
and interest
to area
municipi-
palities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Hospital
costs form
part of
regional levy

Regional
Area to
be health
unit
R.S.O. 1970,
c. 377

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Halton Regional Board of Health.

Dissolution
of Halton
health unit

(2) The health unit serving the County of Halton on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Halton Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974, the Halton Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
members

(2) The members of the Halton Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Halton Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

Regional Corporation deemed county under R.S.O. 1970, c. 104, 192, 203

1. *The Day Nurseries Act.*

2. *The General Welfare Assistance Act.*

3. *The Homemakers and Nurses Services Act.*

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability for homes for aged R.S.O. 1970, c. 206

(2) The home for the aged known as Halton Centennial Manor and all assets and liabilities thereof together with all the real and personal property of such home, vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Halton county home for aged vested in Regional Corporation

63.—(1) The Regional Corporation shall pay to the Committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of other homes for aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional Corporation deemed municipality under R.S.O. 1970, c. 64

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing liabilities transferred 1965, c. 14

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Liability under order made under R.S.C. 1970, c. J-3

Information **67.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments **68.** In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc., to approved corporations under R.S.O. 1970, c. 204 **69.** The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

**Interpre-
tation** **70.** In this Part, "Halton Police Board" means the Halton Regional Board of Commissioners of Police.

Halton Regional Board established R.S.O. 1970, c. 351 **71.—(1)** Notwithstanding *The Police Act*, on the 1st day of November, 1973 a board of commissioners of police shall be constituted to be known as the Halton Regional Board of Commissioners of Police, which shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council;

 (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and 

(c) two persons appointed by the Lieutenant Governor in Council.

Quorum (2) Three members of the Halton Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

**Remunera-
tion** (3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Halton Police Board appointed by the Lieutenant Governor in Council, and the members appointed

by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

72.—(1) On and after the 1st day of January, 1974,

Regional
Corporation
deemed city
under
R.S.O. 1970,
c. 351

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

(b) *The Police Act* does not apply to any area municipality; and

(c) The Halton Police Board and the members of the Halton Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws^{Fines} of any area municipality, shall, where prosecuted by the Halton Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force^{Area police force} of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Halton Regional Police Force, and the provisions of subsections 4, 8 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a^{Halton Regional Police Force} local municipality on the 31st day of December, 1973, and becomes a member of the Halton Regional Police Force on the 1st day of January, 1974, is subject to the government of the Halton Police Board to the same extent as if appointed by the Halton Police Board and the Halton Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Halton Regional Police Force.

(3) Every person who becomes a member of the Halton^{Terms of employment} Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Halton Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System supplementary plan as established for the Town of Burlington Police Force;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Halton Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Halton Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Halton Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

Joint
bargaining
committee

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Halton Police Board in the manner and for the purposes provided in *The Police Act* and the Halton Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1970,
c. 351

Time of
meeting

(6) The first meeting of the bargaining committee and the Halton Police Board shall be held not later than the 30th day of November, 1973.

Application
of
R.S.O. 1970,
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Halton Police Board.

74.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Halton Police Board any such land or building that the Halton Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. Assumption of buildings

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

- (6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

- (7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Halton Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Halton Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

- (8) At the request of the Halton Police Board, each area municipality, for the use of the Halton Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal system transferred

- (9) All signal and communication systems owned by any local municipality and used for the purposes of the police

force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Halton Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Halton Police Board.

Property
to be
provided

PART VII

REGIONAL WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Region to
be sole
distributor
of water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

No area
municipality
to distribute
water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and

Vesting of
water supply
facilities

surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement.

R.S.O. 1970,
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Water
supply
agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreement
with other
regional
corporation

(7) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part.

PART VIII

REGIONAL SEWAGE WORKS

Regional
Corporation
responsible
for sanitary
sewage

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided for in subsection 8, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any

Act for the collection and disposal of sewage, except as provided in subsection 8.

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof. Vesting of sanitary sewage facilities

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work. Regional Corporation liability R.S.O. 1970, c. 255

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. Default

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board. Special rates

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as Agreements

provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Land
drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of area
municipal
land
drainage
systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising
of money
by area
municipality

(10) An area municipality may,

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

Agreement
with other
regional
corporation

(11) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part.

PART IX

FINANCES

- 78.**—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*. Interpretation
R.S.O. 1970,
c. 32
- (2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act. Area municipality deemed municipality under
R.S.O. 1970,
c. 405
- (3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that, Regional Corporation deemed regional municipality
- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and
- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Investment of moneys not immediately required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES AND LEVIES

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. Yearly estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. Allowance to be made in estimates

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of
R.S.O. 1970,
cc. 32, 284

Levy on
area muni-
cipalities

81.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized
assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipi-
palities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and, Amendment of by-law where necessary following appeal

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. Fixed assessments, etc., not to apply R.S.O. 1970, c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes, which include a payment in respect of regional levies, are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*. Assessment to include valuations on properties for which payments in lieu of taxes paid R.S.O. 1970, c. 284 1971, c. 78, 1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred Valuation of properties

to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1970,
c. 32

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Equalized
assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both accord-

ing to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply ^{R.S.O. 1970, c. 32} to any apportionment by an area municipality under this subsection.

(4) The rates to be levied in each merged area shall be ^{Determination of rates} determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. ^{R.S.O. 1970, c. 405}

83.—(1) Notwithstanding section 81, in the year 1974 ^{Levy by Regional Council before estimates adopted} the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy.

(2) Notwithstanding section 81, in 1975 and in subsequent ^{Idem} years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

(3) The amount of any levy made under subsection 1 ^{Levy under s. 81, to be reduced} or 2 shall be deducted from the amount of the levy made under section 81.

(4) Notwithstanding section 82, the council of an area ^{Levy by area municipality before estimates adopted} municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year of residential real property of public school supporters.

(5) The amount of any levy under subsection 4 shall be ^{Levy under s. 82, be reduced} deducted from the amount of the levy made under section 82.

(6) Subsection 4 of section 303 of *The Municipal Act* applies ^{Application of R.S.O. 1970, c. 284, s. 303 (4)} to levies made under this section.

Preliminary
assessment

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 81.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for

secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425, to apply

ADJUSTMENTS

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1974
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall

Idem

be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Interpre-
tation
R.S.O. 1970,
c. 284

87.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1973 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Town of Oakville, the Town of Burlington and the Township of Esquesing.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
deter-
mination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final deter-
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

(6) The final determination of a disposition or an adjust-^{Idem}ment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred. ^{Documents and records}

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made. ^{Period of adjustment}

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation. ^{Reserve funds of municipalities}

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. ^{Idem}

90.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. ^{Reserve funds, establishment}

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. ^{Investments and income}

R.S.O. 1970,
c. 470

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to
report on
reserve
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1973, Uncompleted works

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. Bonds, debentures, etc., trustee investments

R.S.O. 1970,
c. 470

93. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. Power to incur debt or issue debentures

94.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. Idem

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. Proviso

95. (1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Borrowing pending issue and sale of debentures

Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on proceeds transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date

with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law. Special levy against area municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4. Levy by area municipalities

(7) Notwithstanding subsection 5, the Regional Council may by by-law, Instalment debentures and debentures to refund existing debentures at maturity

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause b, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall

be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law
to change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the

debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(12) All the debentures shall bear the same date, except Date of debentures where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(13) Notwithstanding the provisions of the by-law, the Idem debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law. Extension of time for issue

(15) The extension may be made although the application Application after time expired is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to Effective date take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the Consolidation Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Consolidating debenture by-laws R.S.O. 1970, c. 284

(19) The by-law may provide that all the debentures Redemption before maturity or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set

for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or

- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provided that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount^{Principal levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking^{Consolidated bank} fund committee shall keep one or more consolidated bank^{accounts} accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be^{Sinking fund} a sinking fund committee that shall be composed of the^{committee} treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(25) The Regional Council may appoint an alternate mem-^{Alternate members}ber for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

- Chairman (26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.
- Security (27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.
- R.S.O. 1970,
c. 284
- Quorum (28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of
sinking
fund assets (29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.
- Withdrawals
from bank
accounts (30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.
- Investments (31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.
- Idem (32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,
- (a) in securities in which a trustee may invest under *The Trustee Act*;
 - (b) in debentures of the Regional Corporation;
 - (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
 - (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.
- R.S.O. 1970,
c. 470
- Deposit of
securities
with
Treasurer
of Ontario (33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee. Release of securities by Treasurer of Ontario

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by, Earnings credited to sinking fund accounts

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the Where amount in sinking fund account more than sufficient to pay debt

estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No
diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account ; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be

provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

(44) A money by-law may authorize the issue of debentures ^{Term debentures} of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

(45) In respect of the term debentures, the by-law shall ^{Amounts to be raised annually} provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be ^{Retirement fund} administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

97.—(1) If the Municipal Board is of the opinion that the ^{When rate of interest may be varied} current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;

- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments or principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding

debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application to quash registered by-law, when to be made R.S.O. 1970, c. 323, 136, 255

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by

Dismissal of application

subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with.

Failure
to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures.
how sealed
and executed

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other

person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Sufficiency
of signatures

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures
on which
payment has
been made
for one year
to be valid

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

Mode of
transfer
may be
prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Require-
ments as to
endorsing
certificate of
ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in

Transfer by
entry in
Debenture
Registry
Book

subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Registration
of
debenture as
to principal
and interest

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Replacement
of lost
debentures

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of
debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New debenture of same force and effect as debenture surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respect shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

108. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale of hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 107 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

109. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for

tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

110.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,
 distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and
- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for

one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

(3) The members who vote for such application are disqualified from holding any municipal office for two years. ^{Disqualification}

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, ^{Refinancing of debentures}

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

114. In 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000, ^{Disposal of assets}

PART X

GENERAL

115. —(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. ^{Application of R.S.O. 1970, c. 284}

Deemed
city under
R.S.O. 1970,
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,
annexations
and amal-
gamations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses,
etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Delegation
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
municipality
for R.S.O.
1970, c. 250,
s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974 and may be amended or repealed by the council of an area municipality as it affects such area municipality.

Idem

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality

used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

(10) If the Regional Corporation fails, on or before the ^{Default} due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

116.—(1) The Regional Council may pass by-laws, ^{Emergency measures, civil defence}

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws, ^{Powers of Regional Council re emergency measures}

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

Deemed
county for
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Expenditures
for diffusing
information

117.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Application
of
R.S.O. 1970,
c. 284

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Grants
to persons
engaged in
work advan-
tageous to
Regional
Area

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees
R.S.O. 1970,
c. 505

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Halton Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death,

to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation by county judge of charges of malfeasance

1971, c. 49

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge

R.S.O. 1970, c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Idem

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

Commission of inquiry

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

When commission may issue

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways,
etc.

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of R.S.O.
1970, c. 23

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipi-
palities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof.

Execution
against
Regional
Corporation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Halton" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

Function
of clerk,
collector
and assessor

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

County
dissolved

126.—(1) The Corporation of the County of Halton is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Halton in any agreements to which such county was a party.

Assets and
liabilities,
etc.

(2) All the assets and liabilities of the County of Halton become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Halton shall be transferred to the clerk, and on the same date the Police Village of Eden Mills is withdrawn from the County of Halton.

Powers of
Municipal
Board

127.—(1) Except as provided in this Act the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Halton.

R.S.O. 1970,
c. 284

Settling
of doubts

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

129.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

(2) The provisions of any special Act relating to the County of Halton or a local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof. Special legislation

130.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities, Municipal buildings

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1970, c. 284, s. 256

131.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or Waste disposal sites

any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Payments of principal and interest to area municipalities

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Default

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made.

O.M.B. to arbitrate

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Application of R.S.O. 1970, c. 284, s. 354

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

Agreement successor rights

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional Fire Co-ordinator

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing speed limits continued
R.S.O. 1970, c. 202

134.—(1) Notwithstanding the other provisions of the Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area

that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

By-laws of
Regional
Council and
area councils
R.S.O. 1970,
c. 202

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Existing
speed limits
continued

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Application
of R.S.O.
1970, c. 354,
s. 108

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution
of electrical
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality or area municipalities in which such a commission operates shall also be a member of such commission.

Members of
commission
continue
in office

(4) The board of trustees of the Police Village of Campbellville as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the area of the said police village and be known as the Hydro-Electric Commission of Campbellville.

Board of
trustees
deemed
commission

R.S.O. 1970,
c. 390

(5) All the assets and liabilities of and pertaining to the hydro-electric system of the Police Village of Campbellville shall be assumed on the 1st day of January, 1974, by the

Assets

Hydro-Electric Commission of Campbellville and the said Commission shall be deemed to be a local board of the Town of Central Halton.

Commissions dissolved

(6) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Members of commission not disqualified as members of Council

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Boards, etc., dissolved

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Council deemed recreation committee, etc.
R.S.O. 1970, cc. 120, 73

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Acquiring land for parks, etc.

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

R.S.O. 1970, c. 384

Sale of spirituous, etc., liquors in parks

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

R.S.O. 1970, c. 250

Application of R.S.O. 1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*. Regional Corporation a municipality under R.S.O. 1970, cc. 337, 73

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may, Public lands owned by conservation authority

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*. R.S.O. 1970, c. 202

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. Payment in lieu of taxes

138. The Halton County Museum together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation. County museum vested in Regional Corporation

139. Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, the Regional Municipality of Halton is a school division and the Halton County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards' of Education Act*, as the divisional board of education for the Regional Municipality of Halton. Regional Municipality school division R.S.O. 1970, c. 425

140. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Halton County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Halton County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1973, Election R.S.O. 1970, c. 430 1972, c. 95

(a) the polling day for the members of The Halton County Board of Education and of The Halton County Roman Catholic Separate School Board shall

be the 1st day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area and the members elected on such date shall take office on the 1st day of January, 1974, and continue to hold such office until the 31st day of December, 1976;

- (b) the Minister shall, by order, provide for nomination of candidates for the Halton County Board of Education and for The Halton County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

R.S.O. 1970,
c. 284, s. 244
not to apply

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973.

Public
library
boards
R.S.O. 1970,
c. 381

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Power of
cities in
Regional
Area to
pass by-laws

143. The Council of the City of Burlington may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Organiza-
tional
expenses

144.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation.

Terms of
payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

145.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.

Short title

146. This Act may be cited as *The Regional Municipality of Halton Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,.....,
having been elected (*or appointed*) as chairman of the council of The Regional
Municipality of Halton, do swear that I will be faithful and bear true
allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign
for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,.....,
having been elected (*or appointed*) as chairman of the council of The Regional
Municipality of Halton declare that:

1. I am a British subject and am not a citizen or a subject of any
foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality
or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be
true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of Halton

1st Reading

June 11th, 1973

2nd Reading

June 19th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Reprinted as amended by the
Committee of the Whole House)

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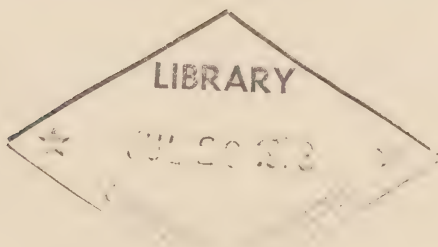
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*Government
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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Halton**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to establish The Regional Municipality of Halton

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

- (a) “area municipality” means the municipality or corporation of the City of Burlington, the Town of Oakville, the Town of Central Halton and the Town of North Halton, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning

board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (i) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality or a portion of a local municipality constituted as an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means the area included within the County of Halton excluding that portion of the Town of Oakville included in the area municipality of the City of Mississauga as defined in clause *a* of subsection 1 of section 2 of *The Regional Municipality of Peel Act, 1973*, and excluding that portion of the Township of Nassagaweya excluded from the said Township under clause *c* of subsection 1 of section 2, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included with the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Halton;

- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution
of area
municipalities

- (a) The portion of the Town of Burlington, described as follows, is incorporated as a city municipality bearing the name of The Corporation of the City of Burlington:

COMMENCING where the west limit of the present Town of Burlington intersects the highwater mark of Hamilton Harbour;

THENCE northerly, easterly and northerly along that limit to the centre-line of No. 10 Side Road;

THENCE easterly along that centre-line to the centre-line of the road known as Bell School Line;

THENCE southerly along that centre-line to the centre-line of No. 2 Side Road;

THENCE easterly along that centre-line to the line between Lots 3 and 4, Concession II North of Dundas Street;

THENCE southerly along that line to the centre-line of No. 1 Side Road;

THENCE easterly along that centre-line to the east limit of the present Town of Burlington;

THENCE southerly along that limit to the highwater mark of Lake Ontario.

THENCE southerly and westerly in accordance with the Township limits in Lake Ontario established by subsection 2 of section 8 of *The Territorial Division Act*; R.S.O. 1970,
c. 458

THENCE through the Burlington Canal;

THENCE northerly and westerly along the present shore line boundary of the Town of Burlington to the point of commencement.

- (b) The portion of the Town of Oakville, described as follows is continued as a town municipality:

COMMENCING where the west limit of the present Town of Oakville intersects the highwater mark of Lake Ontario;

THENCE northerly along that limit to the centre-line of Burnhamthorpe Road;

THENCE easterly along that centre-line to the centre-line of the King's Highway No. 25;

THENCE generally northerly along that centre-line to the centre-line of the Base Line Road;

THENCE easterly along that centre-line to the centre-line of the Fourth Line Road;

THENCE southeasterly along that centre-line to the line between the north and south halves of Concession II, North of Dundas Street;

THENCE easterly along that line to the east limit of the Ninth Line Road;

THENCE southerly along that limit to the centre-line of the King's Highway No. 5;

THENCE easterly along that centre-line to the east limit of the present Town of Oakville;

THENCE southerly along that limit to the highwater mark of Lake Ontario;

THENCE southerly, westerly and northerly to the place of commencement, all in accordance with the limits described in subsection 2 of section 8 of *The Territorial Division Act*.

- (c) The Town of Milton is continued as a town municipality bearing the name of The Corporation of the Town of Central Halton and those portions of the Township of Nassagaweya, the Township of Esquesing, the Town of Oakville, and the Town of Burlington, described as follows, are annexed to such Town:

FIRSTLY, Part of the Township of Nassagaweya, commencing where the north limit of the Township

of Nassagaweya intersects the east limit of the Police Village of Eden Mills being the line between the east and west halves of Lot 32, Concession III;

THENCE easterly, southerly, westerly and northerly along the north, east, south and west limits of the Township of Nassagaweya to the north limit of said Township;

THENCE easterly along the north limit to the west limit of Lot 32, Concession II;

THENCE southerly along that limit to the south limit of said Lot 32;

THENCE easterly along that limit and the south limit of Lot 32, Concession III to the line between the east and west halves of Lot 32, Concession III;

THENCE northerly along that line to the place of commencement.

SECONDLY. Part of the Township of Esquesing, commencing where the south limit of the Township of Esquesing intersects the west limit of the present Town of Milton;

THENCE westerly along that south limit to the west limit of the Township of Esquesing;

THENCE north along that limit to the centre-line of Campbellville Road;

THENCE easterly along that centre-line to the line between the east and west halves of Concession V of the said Township;

THENCE southerly along that line to the south limit of the Township of Esquesing;

THENCE westerly along that limit to the easterly limit of the Town of Milton;

THENCE northwesterly and southerly along the limits of the Town of Milton to the place of commencement.

THIRDLY. Part of the Town of Oakville, commencing where the north limit of the present Town of Oakville intersects the east limit of the present Town of Milton;

THENCE easterly along that north limit of the Town of Oakville to the centre-line of the Fourth Line Road;

THENCE southerly along that centre-line to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the east limit of the Ninth Line Road;

THENCE southerly along that limit to the line between the north and south halves of Concession II, North of Dundas Street;

THENCE westerly along that line to the centre-line of the Fourth Line Road;

THENCE northwesterly along that centre-line to the centre-line of the Base Line Road;

THENCE westerly along that centre-line to the centre-line of the King's Highway No. 25;

THENCE generally southerly along that centre-line to the centre-line of Burnhamthorpe Road;

THENCE westerly along that centre-line to the west limit of the present Town of Oakville;

THENCE northerly along that limit to the north limit of the said Town;

THENCE easterly along that limit to the west limit of the present Town of Milton;

THENCE southerly, easterly and northerly along the limits of the said Town to the place of commencement.

FOURTHLY. Part of the Town of Burlington, commencing where the west limit of the present Town of Burlington intersects the centre-line of No. 10 Side Road;

THENCE northerly, easterly and southerly along the west, north and east limits of the said Town to centre-line of Burnhamthorpe Road;

THENCE westerly along that centre-line to the line between Lots 3 and 4, Concession II, North of Dundas Street;

THENCE northerly along that line to the centre-line of No. 2 Side Road;

THENCE westerly along that centre-line to the centre-line of the road known as Bell School Line;

THENCE northerly along that centre-line to the centre-line of No. 10 Side Road;

THENCE westerly along that centre-line to the place of commencement.

- (d) The Town of Acton and the Town of Georgetown are amalgamated as a town municipality bearing the name of The Corporation of the Town of North Halton and those portions of the Township of Esquesing and the Town of Oakville, described as follows, are annexed to such Town.

FIRSTLY. Part of the Township of Esquesing, commencing where the west limit of the Township of Esquesing intersects the centre-line of Campbellville Road;

THENCE northerly, easterly, southerly and westerly along the west, north, east and south limit of said Township to the southerly prolongation of the line between the east and west halves of Concession V of said Township;

THENCE northerly along that line to the centre-line of Campbellville Road;

THENCE westerly along that centre-line to the place of commencement;

SAVING AND EXCEPTING the Town of Acton and the Town of Georgetown.

SECONDLY. Part of the Town of Oakville, commencing where the north limit of the present Town of Oakville intersects the centre-line of Fourth Line Road;

THENCE easterly and southerly along the north and east limits of the Town of Oakville to the centre-line median of the Macdonald-Cartier Freeway;

THENCE generally westerly along that centre-line to the centre-line of Fourth Line Road;

THENCE northerly along that centre-line to the place of commencement.

Dissolution
of police
village

(2) The police village of Campbellville is dissolved on the 1st day of January, 1974.

Amalgama-
tions,
annexations,
and dissolu-
tions deemed
by Municipal
Board
orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations, and dissolutions provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Referendum
re area
municipality
names

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

(a) confirm the name of the area municipality as set out in subsection 1; or

(b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of area
municipal
councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Burlington—sixteen members elected by wards.

2. The Town of Oakville—twelve members elected by wards.

3. The Town of Central Halton—ten members elected by wards.
4. The Town of North Halton—twelve members elected by wards.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976. First elections and term of office

(3) For the purposes of the elections of the first councils Idem of the area municipalities, and members thereof to represent the area municipality on the Regional Council,

- (a) the Minister may by order, divide into wards each area municipality as constituted by section 2 and make provision for the respective numbers of members of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;
- (b) the Minister may by order, provide for the qualification of candidates; and
- (c) the Minister shall by order,
 - (i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, and preparation of polling lists, and
 - (ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*. Application of 1972, c. 95

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. Organization Committee in 1973

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities and members and trustees of school boards in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. First election expenses

5. No area municipality shall have a Board of Control. No Board of Control

PART II

INCORPORATION AND ESTABLISHMENT OF THE
REGIONAL COUNCILRegional
Corporation
constituted

6.—(1) On the 15th day of October, 1973, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Halton".

Deemed
municipality
under R.S.O.
1970, cc. 118,
323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area
deemed
judicial
district
R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Halton, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Halton
deemed
appointments
for Judicial
District
of Halton

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Halton shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Halton.

Regional
Council to
exercise
corporate
powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8. (1) The Regional Council shall consist of twenty-five members composed of a chairman and,

(a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

- (b) eight members of council from the City of Burlington, elected by wards as members of the Regional Council and the council of such area municipality;
- (c) six members of council from the Town of Oakville, elected by wards as members of the Regional Council and the council of such area municipality;
- (d) two members of council from the Town of Central Halton, elected by wards as members of the Regional Council and the council of such area municipality;
- (e) four members of council from the Town of North Halton, elected by wards as members of the Regional Council and the council of such area municipality.

(2) The members elected to the Regional Council in the year 1973, under the provisions of subsection 1, shall hold office for the years 1973, 1974, 1975 and 1976. ^{Term of office}

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. ^{Appointment of chairman by Lieutenant Governor in Council}

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. ^{Election of chairman}

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. ^{Where chairman member of area council}

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. ^{Failure to elect chairman}

First
meeting in
1973

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the years 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate
of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and declara-
tion of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office
R.S.O. 1970,
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When
Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

11.—(1) Thirteen members of the Regional Council representing three area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. ^{Quorum, voting}

(2) Subject to subsection 3, each member of the Regional Council has one vote only. ^{One vote}

(3) The chairman does not have a vote except in the event of an equality of votes. ^{Chairman vote}

12. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. ^{Place of meeting}

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. ^{Vacancies, chairman}

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. ^{Idem}

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. ^{Idem}

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor. ^{Other members}

(5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils. ^{Resignation}

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one ^{Where head of council incapacitated}

month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remunera-
tion

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

Idem

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remunera-
tion of
committee
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.

Procedural
by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of
Council

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
adminis-
trative
officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. Application of R.S.O. 1970, c. 284

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. Acting chairman

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation. Idem

20.—(1) The Regional Council shall appoint a clerk, whose duty it is, Appointment of clerk

(a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk. Deputy clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. Acting clerk

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section. Acting clerk, first meeting

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt
and disburse-
ment of
money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or

resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council may by by-law, ^{Signing of cheques}

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. ^{Petty cash fund}

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*. ^{When member may be paid} ^{1972, c. 142}

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. ^{Treasurer's liability limited}

24. Subject to subsection 3 of section 23, the treasurer shall, ^{Bank accounts}

(a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;

(b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and

(c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof, the Regional Corporation or a local board thereof shall be

deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or a local board ^{Idem} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board ^{Sick leave credits} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board ^{Holidays} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof the Regional Corporation or local board thereof, shall during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(5) The Regional Council shall offer to employ every person ^{Offer of employment} who, on the 1st day of April, 1973, is employed by the County of Halton or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973.

Entitlement
to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Application
of R.S.O.
1970, c. 324

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Pension
rights and
sick leave
credits

(11) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

REGIONAL ROAD SYSTEM

28. In this Part,

Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Halton shall constitute the regional road system, except any such roads which on the 1st day of January, 1974, are within the City of Mississauga and constitute part of the regional road system of The Regional Municipality of Peel and any such roads within that portion of the Township of Nassagaweya excluded from the said township under clause *c* of subsection 1 of section 2.

County
roads to
constitute
regional
road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Adding or
removing
roads by
by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Transfer of
provincial
highway to
Regional
Corporation

R.S.O. 1970,
c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Vesting of
roads in
regional
road system

Removal of
roads from
regional
road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed
from system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status
of land
acquired for
widening
regional
road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

Application
of R.S.O.
1970. c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of
construc-
tion and
maintenance

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Furnishing of
information
to Minister

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Maintenance
and repair

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Halton or the County of Peel or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Halton or the County of Peel or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system.

Power
over roads
assumed

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area municipalities may
construct
sidewalks,
etc.

How cost
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Area municipi-
pality to
conform to
requirements
and be
responsible
for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Installation
of traffic
control
devices

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation
of intersect-
ing roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Intersection
of other
roads by
regional
road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation R.S.O. 1970, cc. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection, “public transit motor vehicle” means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

Establishment of buslanes

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

Contribution
toward cost
of signal-
lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic
control
within 100
feet of
regional
roads
R.S.O. 1970,
c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements
for
pedestrian
walks

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes
as to
maintenance,
etc., of
bridges and
highways
R.S.O. 1970,
c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the

Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. Term of order

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between area municipalities
R.S.O. 1970, c. 284

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between Regional Area and adjoining municipality

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. Restrictions
R.S.O. 1970, c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. Conflict with local by-laws

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road. Controlled-access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to Notice of application for approval for closing road

such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95,
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Private roads, etc., opening upon regional controlled-access road

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48.

Notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Service of notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Failure to comply with notice

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

Compensation

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Regional liability where road forms part of system

- Idem (2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.
- R.S.O. 1970,
c. 255
- Default (3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.
- Settling
of doubts (4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.
- Stopping-up
highways **51.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.
- Agreement (2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.
- Appoint-
ment of roads
commissioner **52.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional system.
- R.S.O. 1970,
c. 366
- Application
of
R.S.O. 1970,
c. 201 **53.** Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

- Planning
area **54.**—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Halton Planning Area.
- R.S.O. 1970,
c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Halton Planning Area. Designated municipality R.S.O. 1970, c. 349

(3) All planning areas and subsidiary planning areas that are included in the Halton Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973. Planning areas dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board. Area municipalities subsidiary planning areas

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area. Proviso

(6) When the Minister has approved an official plan adopted by the Regional Council, Effect of official plan

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55. (1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Halton Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Halton Planning Area, and without limiting the generality of the foregoing shall, Planning duties of Regional Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Halton Planning Area;

(b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Halton Planning Area; and

(c) consult with any local board having jurisdiction within the Halton Planning Area.

- Official plan (2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.
- Appointment of planning staff (3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.
- Regional Corporation deemed municipality under R.S.O. 1970, c. 349 (4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.
- Idem (5) The Regional Corporation shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.
- Agreements re plans of subdivision (6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.
- Agreements re special studies (7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Halton Planning Area or any part thereof.
- Delegation of Minister's powers (8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.
- Committees of adjustment (9) All committees of adjustment heretofore constituted by the council of a local municipality in the Halton Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.
- Land division committee (10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.
- Application of R.S.O. 1970, c. 349 **56.** Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents
R.S.O. 1970, c. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Halton, excluding that part of the Town of Oakville which becomes part of the City of Mississauga, and that portion of the Township of Nassagaweya excluded from the said township under clause c of subsection 1 of section 2, on the 1st day of January, 1974.

Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974.

Proviso

58.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payment of principal and interest to area municipalities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Hospital costs form part of regional levy

Regional
Area to
be health
unit
R.S.O. 1970,
c. 377

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Halton Regional Board of Health.

Dissolution
of Halton
health unit

(2) The health unit serving the County of Halton on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Halton Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974, the Halton Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
members

(2) The members of the Halton Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Halton Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

Regional Corporation deemed county under R.S.O. 1970, cc. 104, 192, 203

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability for homes for aged R.S.O. 1970, c. 206

(2) The home for the aged known as Halton Centennial Manor and all assets and liabilities thereof together with all the real and personal property of such home, vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Halton county home for aged vested in Regional Corporation

63.—(1) The Regional Corporation shall pay to the Committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of other homes for aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional Corporation deemed municipality under R.S.O. 1970, c. 64

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing liabilities transferred 1965, c. 14

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Liability under order made under R.S.C. 1970, c. J-3

Information **67.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments **68.** In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc., to approved corporations under R.S.O. 1970, c. 204 **69.** The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpretation **70.** In this Part, "Halton Police Board" means the Halton Regional Board of Commissioners of Police.

Halton Regional Board established R.S.O. 1970, c. 351 **71.—(1)** Notwithstanding *The Police Act*, on the 1st day of November, 1973 a board of commissioners of police shall be constituted to be known as the Halton Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum (2) Three members of the Halton Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remuneration R.S.O. 1970, c. 351 (3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Halton Police Board appointed by the Lieutenant Governor in Council, and the members appointed

by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

72.—(1) On and after the 1st day of January, 1974,

Regional
Corporation
deemed city
under
R.S.O. 1970,
c. 351

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

(b) *The Police Act* does not apply to any area municipality; and

(c) The Halton Police Board and the members of the Halton Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws^{Fines} of any area municipality, shall, where prosecuted by the Halton Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force^{Area police force} of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Halton Regional Police Force, and the provisions of subsections 4, 8 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a^{Halton Regional Police Force} local municipality on the 31st day of December, 1973, and becomes a member of the Halton Regional Police Force on the 1st day of January, 1974, is subject to the government of the Halton Police Board to the same extent as if appointed by the Halton Police Board and the Halton Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Halton Regional Police Force.

(3) Every person who becomes a member of the Halton^{Terms of employment} Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Halton Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System supplementary plan as established for the Town of Burlington Police Force;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Halton Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Halton Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Halton Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

Joint
bargaining
committee

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Halton Police Board in the manner and for the purposes provided in *The Police Act* and the Halton Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1970,
c. 351

Time of
meeting

(6) The first meeting of the bargaining committee and the Halton Police Board shall be held not later than the 30th day of November, 1973.

Application
of
R.S.O. 1970,
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Halton Police Board.

74.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Halton Police Board any such land or building that the Halton Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

- (6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

- (7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Halton Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Halton Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

- (8) At the request of the Halton Police Board, each area municipality, for the use of the Halton Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal system transferred

- (9) All signal and communication systems owned by any local municipality and used for the purposes of the police

force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Halton Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Halton Police Board.

Property
to be
provided

PART VII

REGIONAL WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Region to
be sole
distributor
of water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

No area
municipality
to distribute
water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and

Vesting of
water supply
facilities

surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement.

R.S.O. 1970,
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Water
supply
agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreement
with other
regional
corporation

(7) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part.

PART VIII

REGIONAL SEWAGE WORKS

Regional
Corporation
responsible
for sanitary
sewage

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided for in subsection 8, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any

Act for the collection and disposal of sewage, except as provided in subsection 8.

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof. ^{Vesting of sanitary sewage facilities}

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work. ^{Regional Corporation liability} ^{R.S.O. 1970, c. 255}

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. ^{Default}

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board. ^{Special rates}

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as ^{Agreements}

provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Land
drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of area
municipal
land
drainage
systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising
of money
by area
municipality

(10) An area municipality may,

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

R.S.O. 1970,
c. 284

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

Agreement
with other
regional
corporation

(11) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part.

PART IX

FINANCES

78.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*. Interpretation
R.S.O. 1970,
c. 32

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act. Area municipality deemed municipality under
R.S.O. 1970,
c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that, Regional Corporation deemed regional municipality

(a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

(b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Investment of moneys not immediately required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES AND LEVIES

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. Yearly estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. Allowance to be made in estimates

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of
R.S.O. 1970,
cc. 32, 284

Levy on
area muni-
cipalities

81.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized
assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipi-
palities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

Amendment
of by-law
where
necessary
following
appeal

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed
assessments,
etc., not
to apply

R.S.O. 1970,
c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes, which include a payment in respect of regional levies, are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

Assessment
to include
valuations on
properties
for which
payments
in lieu of
taxes paid

R.S.O. 1970,
c. 284
1971, c. 78,
1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred

Valuation of
properties

to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1970,
c. 32

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Equalized
assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both accord-

ing to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

R.S.O. 1970,
c. 32

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Determina-
tion of
rates
R.S.O. 1970,
c. 405

83.—(1) Notwithstanding section 81, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy.

Levy by
Regional
Council
before
estimates
adopted

(2) Notwithstanding section 81, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81.

Levy under
s. 81, to be
reduced

(4) Notwithstanding section 82, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year of residential real property of public school supporters.

Levy by
area muni-
cipality
before
estimates
adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82.

Levy under
s. 82, be
reduced

(6) Subsection 4 of section 30.3 of *The Municipal Act* applies to levies made under this section.

Application
of
R.S.O. 1970,
c. 284, s. 303 (4)

Preliminary
assessment

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 81.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for

secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425, to apply

ADJUSTMENTS

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1974
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall

Idem

be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Interpre-
tation
R.S.O. 1970,
c. 284

87.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1973 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Town of Oakville, the Town of Burlington and the Township of Esquesing.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
deter-
mination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final deter-
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination. ^{Idem}

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred. ^{Documents and records}

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made. ^{Period of adjustment}

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation. ^{Reserve funds of municipalities}

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. ^{Idem}

90.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. ^{Reserve funds, establishment}

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. ^{Investments and income}
 ^{R.S.O. 1970, c. 470}

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to
report on
reserve
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1973, Uncompleted works

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and R.S.O. 1970, c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. Bonds, debentures, etc., trustee investments
R.S.O. 1970, c. 470

93. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. Power to incur debt or issue debentures

94.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. Idem

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. Proviso

95.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Borrowing pending issue and sale of debentures

Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on proceeds transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date

with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law. Special levy against area municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4. Levy by area municipalities

(7) Notwithstanding subsection 5, the Regional Council may by by-law, Instalment debentures and debentures to refund existing debentures at maturity

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall

be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law
to change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the

debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(12) All the debentures shall bear the same date, except Date of debentures where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(13) Notwithstanding the provisions of the by-law, the Idem debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(14) The Municipal Board, on the application of the Regional Extension of time for issue Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(15) The extension may be made although the application Application after time expired is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to Effective date take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the Consolidation Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Consolidating debenture by-laws R.S.O. 1970, c. 284

(19) The by-law may provide that all the debentures Redemption before maturity or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set

for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or

- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provided that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount^{Principal levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking^{Consolidated bank accounts} fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be^{Sinking fund committee} a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(25) The Regional Council may appoint an alternate mem-^{Alternate members}ber for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

- Chairman (26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.
- Security (27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.
- R.S.O. 1970,
c. 284
- Quorum (28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of sinking fund assets (29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.
- Withdrawals from bank accounts (30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.
- Investments (31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.
- Idem (32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,
- (a) in securities in which a trustee may invest under *The Trustee Act*;
- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.
- R.S.O. 1970,
c. 470
- Deposit of securities with Treasurer of Ontario (33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee. Release of securities by Treasurer of Ontario

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by, Earnings credited to sinking fund accounts

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the Where amount in sinking fund account more than sufficient to pay debt

estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No
diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account ; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be

provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures. ^{Term debentures}

(45) In respect of the term debentures, the by-law shall provide for raising, ^{Amounts to be raised annually}

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund. ^{Retirement fund}

97.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, ^{When rate of interest may be varied}

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;

- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments or principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding

debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application to quash registered by-law, when to be made R.S.O. 1970, cc. 323, 136, 255

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by

Dismissal of application

subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with.

Failure
to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other

person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Sufficiency
of signatures

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures
on which
payment has
been made
for one year
to be valid

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

Mode of
transfer
may be
prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of.

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Require-
ments as to
endorsing
certificate of
ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in

Transfer by
entry in
Debenture
Registry
Book

subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Registration
of
debenture as
to principal
and interest

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Replacement
of lost
debentures

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of
debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New debenture of same force and effect as debenture surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respect shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture an amount is ^{Surplus} realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the ^{Deficiency} amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

108. Where real or personal property acquired out of moneys ^{Use of} received by the Regional Corporation from the sale of ^{proceeds of} hypothecation of any debentures is disposed of by sale or ^{sale of} otherwise, the net proceeds of such disposal shall be applied ^{asset} as an excess in accordance with subsection 3 of section 107 or, ^{acquired} with the approval of the Municipal Board, may be applied ^{from} to meet the whole or a portion of any other capital expenditure ^{proceeds of} the debt charges for which, if raised by taxation, would be ^{sale of} raised by taxation levied upon the assessment of the same ^{debentures} class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

109. When the Regional Corporation intends to borrow ^{Tenders for} money on debentures under this or any other Act, the ^{debentures} Regional Council may prior to the issue thereof call for

tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

110.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for

one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

(3) The members who vote for such application are disqualified from holding any municipal office for two years. ^{Disqualification}

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, ^{Refinancing of debentures}

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

114. In 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000, ^{Disposal of assets}

PART X

GENERAL

115.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. ^{Application of R.S.O. 1970, c. 284}

Deemed
city under
R.S.O. 1970,
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,
annexations
and amal-
gamations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses,
etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Delegation
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
municipality
for R.S.O.
1970, c. 250,
s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974 and may be amended or repealed by the council of an area municipality as it affects such area municipality.

Idem

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system, and all the assets and liabilities of any area municipality

used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

(10) If the Regional Corporation fails, on or before the ^{Default} due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

116.—(1) The Regional Council may pass by-laws,

Emergency
measures,
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

Deemed
county for
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Expenditures
for diffusing
information

117.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Application
of
R.S.O. 1970,
c. 284

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Grants
to persons
engaged in
work advan-
tageous to
Regional
Area

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees
R.S.O. 1970,
c. 505

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Halton Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death,

to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken. Investigation by county judge of charges of malfeasance 1971, c. 49

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. Fees payable to judge R.S.O. 1970, c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. Idem

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. Commission of inquiry

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways,
etc.

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of R.S.O.
1970, c. 23

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof.

Execution
against
Regional
Corporation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff’s fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Halton" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

Function
of clerk,
collector
and assessor

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

County
dissolved

126.—(1) The Corporation of the County of Halton is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Halton in any agreements to which such county was a party.

Assets and
liabilities,
etc.

(2) All the assets and liabilities of the County of Halton become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Halton shall be transferred to the clerk, and on the same date the Police Village of Eden Mills is withdrawn from the County of Halton.

Powers of
Municipal
Board

127.—(1) Except as provided in this Act the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Halton.

R.S.O. 1970,
c. 284

Settling
of doubts

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

129.—(1) The provisions of this Act apply notwithstanding ^{Conflict with other Acts} the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

(2) The provisions of any special Act relating to the County ^{Special legislation} of Halton or a local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

130.—(1) The Regional Corporation or an area municipality ^{Municipal buildings} or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* ^{Application of R.S.O. 1970, c. 284, s. 256} to any joint undertaking under this section.

131.—(1) In this section, “waste” includes ashes, garbage, ^{Interpretation} refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council.

(2) On and after the 1st day of January, 1974, the Regional ^{Receiving and disposing of waste by Regional Corporation} Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

(3) For the purposes of subsection 2, the Regional Corporation ^{Waste disposal sites} may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or

any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Payments of principal and interest to area municipalities

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Default

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made.

O.M.B. to arbitrate

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Application of R.S.O. 1970, c. 284, s. 354

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

Agreement successor rights

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional Fire Co-ordinator

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing speed limits continued
R.S.O. 1970, c. 202

134.—(1) Notwithstanding the other provisions of the Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area

that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

By-laws of
Regional
Council and
area councils
R.S.O. 1970,
c. 202

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Existing
speed limits
continued

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Application
of R.S.O.
1970, c. 354,
s. 108

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution
of electrical
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality or area municipalities in which such a commission operates shall also be a member of such commission.

Members of
commission
continue
in office

(4) The board of trustees of the Police Village of Campbellville as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the area of the said police village and be known as the Hydro-Electric Commission of Campbellville.

Board of
trustees
deemed
commission

R.S.O. 1970,
c. 390

(5) All the assets and liabilities of and pertaining to the hydro-electric system of the Police Village of Campbellville shall be assumed on the 1st day of January, 1974, by the

Assets

Hydro-Electric Commission of Campbellville and the said Commission shall be deemed to be a local board of the Town of Central Halton.

Commissions dissolved

(6) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Members of commission not disqualified as members of Council

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Boards, etc., dissolved

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Council deemed recreation committee, etc.
R.S.O. 1970, c. 120, 73

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Acquiring land for parks, etc.

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

R.S.O. 1970, c. 384

Sale of spirituous, etc., liquors in parks

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

R.S.O. 1970, c. 250

Application of R.S.O. 1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*.

Regional Corporation
a municipality under
R.S.O. 1970,
cc. 337, 73

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

Public lands
owned by
conservation
authority

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

R.S.O. 1970,
c. 202

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

Payment
in lieu
of taxes

138. The Halton County Museum together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation.

County
museum
vested in
Regional
Corporation

139. Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, the Regional Municipality of Halton is a school division and the Halton County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards' of Education Act*, as the divisional board of education for the Regional Municipality of Halton.

Regional
Municipality
school
division

R.S.O. 1970,
c. 425

140. Section 38 of *The Secondary Schools and Boards' of Education Act* applies to the election of the members of The Halton County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Halton County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1973,

Election
R.S.O. 1970,
c. 430

1972, c. 95

(a) the polling day for the members of The Halton County Board of Education and of The Halton County Roman Catholic Separate School Board shall

be the 1st day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area and the members elected on such date shall take office on the 1st day of January, 1974, and continue to hold such office until the 31st day of December, 1976;

- (b) the Minister shall, by order, provide for nomination of candidates for the Halton County Board of Education and for The Halton County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

R.S.O. 1970,
c. 284, s. 244
not to apply

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973.

Public
library
boards
R.S.O. 1970,
c. 381

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Power of
cities in
Regional
Area to
pass by-laws

143. The Council of the City of Burlington may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Organiza-
tional
expenses

144.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation.

Terms of
payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

145.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.

Short title

146. This Act may be cited as *The Regional Municipality of Halton Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,.....
 having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Halton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,.....
 having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Halton declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of Halton

1st Reading

June 11th, 1973

2nd Reading

June 19th, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CA20N

XB

-B 56

BILL 152

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Regional Municipality of Ottawa-Carleton Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1 AND 2. The purpose of these sections is to bring them into line with *The Municipal Conflict of Interest Act, 1972*.

SECTION 3. The amendments to this section, by the addition of subsections 10, 11, 12 and 13 will permit the Regional Corporation to establish a wider range of benefit plans for its employees.

BILL 152

1973

An Act to amend The Regional Municipality of Ottawa-Carleton Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 8 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(6) No business shall be proceeded with at the first meeting until after the declaration of office in Form 20 of *The Municipal Act* has been made by all members who present themselves for that purpose.

s. 8 (6),
re-enacted

Declaration
of office
R.S.O. 1970,
c. 284
2. Subsection 4 of section 22 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act*, 1972".

s. 22 (4),
amended
3. Section 26 of the said Act is amended by adding thereto the following subsections:

(10) Notwithstanding subsections 1 and 5 of section 239 of *The Municipal Act*, the Regional Council may grant an annual retirement allowance payable weekly, monthly or otherwise, to an employee during his life who has had continuous service for at least ten years with the Regional Corporation, or with the Regional Corporation and any other municipality or local board as defined in *The Municipal Affairs Act*, or any two or more of them, and who, while in the service of the Regional Corporation, has become incapable through illness or otherwise of efficiently discharging his duties, provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of the Regional Corporation or any local board shall

s. 26,
amended

Partial
disability
benefits

R.S.O. 1970,
c. 118

exceed the amount of any retirement allowance to which any such employee would be entitled if the employee were a member of the City of Ottawa Superannuation Fund.

Annual
retirement
allowance

(11) Where the Regional Council grants an annual retirement allowance to an employee under subsection 10, the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.

Disability
insurance
R.S.O. 1970,
c. 224

(12) The Regional Council may enact by-laws for providing by contract with an insurer, licensed under *The Insurance Act*, disability insurance for employees or any class thereof, and for paying all or part of the cost thereof.

Employee
defined
R.S.O. 1970,
c. 284

(13) In subsections 10 and 11, "employee" has the same meaning as in paragraph 64 of section 352 of *The Municipal Act*, but does not include an employee who is a member of the City of Ottawa Superannuation Fund.

s. 31,
amended

4.—(1) Section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 126, section 4, is further amended by adding thereto the following subsections:

Assumption
of work

(2a) The Regional Council may at any time pass by-laws assuming as a regional work any work vested in or operated by, for or on behalf of any area municipality or local board thereof, and such by-law shall specify the date on which the work becomes vested in the Regional Corporation.

Agreements

(2b) The Regional Council may with regard to any work enter into such agreements as it deems necessary.

s. 31 (3),
amended

(2) Subsection 3 of the said section 31 is amended by striking out "or 2" in the first line and inserting in lieu thereof "2 or 2a".

s. 55d,
enacted

5. The said Act is amended by adding thereto the following section:

Bus lanes,
designation
by by-law

55d. The Regional Council or the council of any area municipality may, by by-law, designate any lane on any road over which it has jurisdiction, as a lane solely or principally for use by a public transit motor vehicle and prohibit or regulate the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Ottawa-Carleton Regional Transit Commission as part of its passenger transportation service.

SECTION 4. The amendments make it clear that the Regional Corporation may take over any "works" as defined in the Act at any time and enter into such agreements with respect thereto as it deems necessary.

SECTION 5. Section 55*d* will enable the Regional Council or councils of area municipalities to designate traffic lanes on roads under their respective jurisdictions exclusively for the use of public transit motor vehicles.

SECTION 6. This amendment allows the Regional Corporation to control the establishment of new roads entering the regional road system.

SECTION 7. This amendment removes part of the declaration of qualification now covered by *The Municipal Conflict of Interest Act, 1972*.

6. Section 65 of the said Act, as amended by the Statutes of Ontario, s. 65, amended
1972, chapter 126, section 12, is further amended by adding
thereto the following subsection:
- (4) No area municipality shall open up, establish or assume Opening up
for public use any highway which intersects with or enter upon of highways
any highway in the regional road system, without the prior by area
written approval of the Regional Corporation. muni-
cipalities
7. Paragraph 4 of Form 2 of the said Act is repealed. Form 2,
par. 4,
repealed
- 8.—(1) This Act, except section 4, comes into force on the day it Commence-
receives Royal Assent. ment
- (2) Section 4 shall be deemed to have come into force on the Idem
15th day of June, 1968.
9. This Act may be cited as *The Regional Municipality of Ottawa- Short title
Carleton Amendment Act, 1973.*

BILL 152

An Act to amend
The Regional Municipality of
Ottawa-Carleton Act

1st Reading

June 11th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(*Government Bill*)



CA20N

BILL 152

GOVERNMENT
Publication

XB

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Regional Municipality of Ottawa-Carleton Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 152

1973

An Act to amend The Regional Municipality of Ottawa-Carleton Act

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re-enacted

(6) No business shall be proceeded with at the first meeting until after the declaration of office in Form 20 of *The Municipal Act* has been made by all members who present themselves for that purpose.

Declaration
of office
R.S.O. 1970,
c. 284

2. Subsection 4 of section 22 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*".

s. 22 (4),
amended

3. Section 26 of the said Act is amended by adding thereto the following subsections:

s. 26,
amended

(10) Notwithstanding subsections 1 and 5 of section 239 of *The Municipal Act*, the Regional Council may grant an annual retirement allowance payable weekly, monthly or otherwise, to an employee during his life who has had continuous service for at least ten years with the Regional Corporation, or with the Regional Corporation and any other municipality or local board as defined in *The Municipal Affairs Act*, or any two or more of them, and who, while in the service of the Regional Corporation, has become incapable through illness or otherwise of efficiently discharging his duties, provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of the Regional Corporation or any local board shall

Partial
disability
benefits

R.S.O. 1970,
c. 118

exceed the amount of any retirement allowance to which any such employee would be entitled if the employee were a member of the City of Ottawa Superannuation Fund.

Annual
retirement
allowance

(11) Where the Regional Council grants an annual retirement allowance to an employee under subsection 10, the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.

Disability
insurance
R.S.O. 1970,
c. 224

(12) The Regional Council may enact by-laws for providing by contract with an insurer, licensed under *The Insurance Act*, disability insurance for employees or any class thereof, and for paying all or part of the cost thereof.

Employee
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R.S.O. 1970,
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s. 31,
amended

4.—(1) Section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 126, section 4, is further amended by adding thereto the following subsections:

Assumption
of work

(2a) The Regional Council may at any time pass by-laws assuming as a regional work any work vested in or operated by, for or on behalf of any area municipality or local board thereof, and such by-law shall specify the date on which the work becomes vested in the Regional Corporation.

Agreements

(2b) The Regional Council may with regard to any work enter into such agreements as it deems necessary.

s. 31 (3),
amended

(2) Subsection 3 of the said section 31 is amended by striking out "or 2" in the first line and inserting in lieu thereof "2 or 2a".

s. 55d,
enacted

5. The said Act is amended by adding thereto the following section:

Bus lanes,
designation
by by-law

55d. The Regional Council or the council of any area municipality may, by by-law, designate any lane on any road over which it has jurisdiction, as a lane solely or principally for use by a public transit motor vehicle and prohibit or regulate the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Ottawa-Carleton Regional Transit Commission as part of its passenger transportation service.

6. Section 65 of the said Act, as amended by the Statutes of Ontario, s. 65, amended
1972, chapter 126, section 12, is further amended by adding
thereto the following subsection:
- (4) No area municipality shall open up, establish or assume Opening up
for public use any highway which intersects with or enter upon of highways
any highway in the regional road system, without the prior by area
written approval of the Regional Corporation. muni-
cipalities
7. Paragraph 4 of Form 2 of the said Act is repealed. Form 2,
par. 4,
repealed
- 8.—(1) This Act, except section 4, comes into force on the day it Commence-
receives Royal Assent. ment
- (2) Section 4 shall be deemed to have come into force on the Idem
15th day of June, 1968.
9. This Act may be cited as *The Regional Municipality of Ottawa-Short title
Carleton Amendment Act, 1973.*

An Act to amend
The Regional Municipality of
Ottawa-Carleton Act

1st Reading

June 11th, 1973

2nd Reading

June 22nd, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CA20N

XB

-B56

BILL 153

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to repeal
The Regional Development Councils Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Act being repealed provides for regional development councils to undertake such informational, educational and promotional programs and activities as relate to the orderly growth and economic development of the regions in which they have jurisdiction.

BILL 153

1973

**An Act to repeal
The Regional Development Councils Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regional Development Councils Act*, being chapter ^{Act} 404 of the Revised Statutes of Ontario, 1970, is repealed.^{repealed}
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent.^{ment}
3. This Act may be cited as *The Regional Development* ^{Short title} *Councils Repeal Act, 1973*.

BILL 153

An Act to repeal
The Regional Development
Councils Act

1st Reading

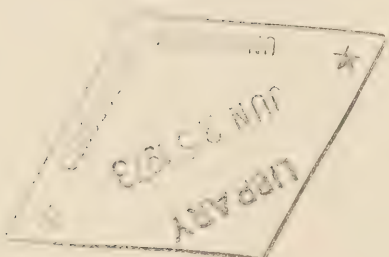
June 11th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)



Government
Publications

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-B 56

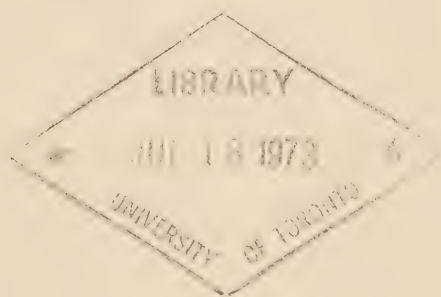
BILL 153

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to repeal
The Regional Development Councils Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 153

1973

**An Act to repeal
The Regional Development Councils Act**

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1. *The Regional Development Councils Act*, being chapter ^{Act} 404 of the Revised Statutes of Ontario, 1970, is repealed. _{repealed}

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

3. This Act may be cited as *The Regional Development* ^{Short title} *Councils Repeal Act, 1973.*

An Act to repeal
The Regional Development
Councils Act

1st Reading

June 11th, 1973

2nd Reading

June 22nd, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CA20N

X_B

BILL 154

Government Bill

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
Property Tax Stabilization Grants**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

Under the provisions of this Act two new grant programs are introduced to alleviate the financial pressures on municipalities. The first program is that of a general support grant which will be payable to all municipalities. Generally the grant will equal 4 per cent of the 1972 municipal levies. However, where a municipality spending growth rate in 1973 is held to 8 per cent or less, the grant could rise to 6 per cent. On the other hand, if the municipality increases its 1973 spending by 12 per cent, the support grant will drop to 2 per cent. Special provisions will also be made in the regulations for additional grants to municipalities in Northern Ontario. These municipalities will be eligible for an additional 10 per cent of their municipal levies over and above the 4 per cent general rate.

The second program provides for a resource equalization grant to be made to cities, towns, villages and townships having an equalized assessment per capita below \$10,000. The grants will be equal to one-half the per cent deficiency between the actual equalized assessment per capita and the \$10,000 standard.

BILL 154

1973

An Act to establish Property Tax Stabilization Grants

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "lower tier municipality" means a city, town, village or township;
- (b) "merged area" means where a lower tier municipality is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "regulations" means the regulations made under this Act;
- (e) "upper tier municipality" means a county, or a regional, metropolitan or district municipality.

2. The purpose of this Act is to,

Purpose of
Act

- (a) provide for a general support grant to each upper tier municipality and to each lower tier municipality in an amount ranging from 2 per cent to 6 per cent of the net levy of the municipality, with the percentage applicable to each municipality being determined, in the manner prescribed in the regulations, on a sliding scale ranging from 2 per cent where the municipality's gross revenue fund expenditures increase by 12 per cent or more over such expenditures in the previous year to 6 per cent where such increase is 8 per cent or less, and to provide an

additional grant in the amount of 10 per cent of the net levy of each municipality that is situate in the northern part of Ontario; and

- (b) provide for a resource equalization grant to each lower tier municipality whose equalized assessment per capita is below \$10,000 in an amount based, in the manner prescribed in the regulations, on the proportion that one-half of such deficiency of equalized assessment per capita bears to \$10,000 as applied to the net levy of the lower tier municipality.

General
support
grant to
lower and
upper tier
muni-
cipalities

3.—(1) The Minister shall, out of the moneys appropriated therefor by the Legislature, make a general support grant in 1973 and in each year thereafter to each lower tier municipality and to each upper tier municipality in the amount and in the manner prescribed in the regulations.

Resource
equalization
grant to
lower tier
muni-
cipalities

(2) The Minister shall, out of the moneys appropriated therefor by the Legislature, make a resource equalization grant in 1973 and in each year thereafter to each lower tier municipality in the amount and in the manner prescribed in the regulations.

Assessment
of lower tier
muni-
cipality
deemed
increased

4. For the purposes of any general or special Act, the assessment of a lower tier municipality that receives a resource equalization grant shall be deemed for apportionment purposes, other than for school purposes or for apportionment between merged areas, to be increased by an amount that would have produced the amount of the resource equalization grant by the taxation of real property at the rate applicable to the major portion of commercial and industrial property in the preceding year for all purposes other than school purposes.

Notification
of amount to
be added for
purposes of
s. 4.

5. The clerk of every lower tier municipality that receives a resource equalization grant shall transmit to each body, other than a school board, for which the lower tier municipality is required to levy, within fourteen days of determination of the resource equalization grant, a statement of the amount to be added to the assessment of the municipality under section 4.

Apportion-
ment of
increased
assessment

6. The lower tier municipality shall allocate the resource equalization grant to each of the bodies, other than a school board, for which the lower tier municipality is required to levy, in the proportion that the taxes levied in the preceding year on commercial and industrial property for each such body bears to the total taxes levied in the preceding year on commercial and industrial property for all purposes other than school purposes.

7. The amount allocated to each body under section 6 shall be deducted from the requisition of each such body for the year and the net amount shall be the amount included in the levy of the lower tier municipality for purposes of section 302 of *The Municipal Act* and section 7 of *The Regional Municipal Grants Act* in each year. Reduction for purposes of levy under R.S.O. 1970, cc. 284, 405

8. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the conditions under which grants shall be made;
- (b) prescribing the method of calculating grants made under this Act and the conditions attached thereto;
- (c) prescribing the forms and records to be used for the purposes of this Act or the regulations;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

9. Notwithstanding section 4, in 1973, preliminary apportionments may be made which exclude any increase in assessment in respect of a resource equalization grant and an adjustment to the apportionment shall be made when the resource equalization grants for 1973 have been determined. 1973 apportionment may exclude resource equalization payment

10. Any payment made in 1973 under section 28 of *The Assessment Act* to a lower tier municipality designated as a mining municipality for the purposes of that Act shall be deemed to be a grant made under this Act and the payment so made shall be deducted from any grant payable under this Act. Payments under R.S.O. 1970, c. 32, s. 28, deemed payment under this Act

11. This Act shall be deemed to have come into force on the 1st day of January, 1973, and applies with respect to 1973 and subsequent years. Commencement

12. This Act may be cited as *The Property Tax Stabilization Act, 1973*. Short title

An Act to establish
Property Tax Stabilization Grants

1st Reading

June 11th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)

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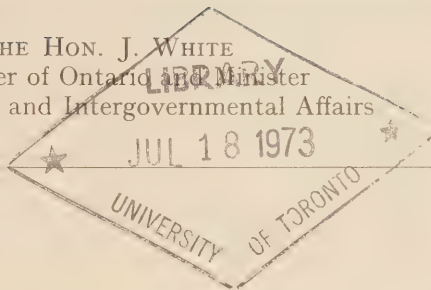
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Publications

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
Property Tax Stabilization Grants**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 154

1973

An Act to establish Property Tax Stabilization Grants

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "lower tier municipality" means a city, town, village or township;
- (b) "merged area" means where a lower tier municipality is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "regulations" means the regulations made under this Act;
- (e) "upper tier municipality" means a county, or a regional, metropolitan or district municipality.

2. The purpose of this Act is to,

Purpose of
Act

- (a) provide for a general support grant to each upper tier municipality and to each lower tier municipality in an amount ranging from 2 per cent to 6 per cent of the net levy of the municipality, with the percentage applicable to each municipality being determined, in the manner prescribed in the regulations, on a sliding scale ranging from 2 per cent where the municipality's gross revenue fund expenditures increase by 12 per cent or more over such expenditures in the previous year to 6 per cent where such increase is 8 per cent or less, and to provide an

additional grant in the amount of 10 per cent of the net levy of each municipality that is situate in the northern part of Ontario; and

- (b) provide for a resource equalization grant to each lower tier municipality whose equalized assessment per capita is below \$10,000 in an amount based, in the manner prescribed in the regulations, on the proportion that one-half of such deficiency of equalized assessment per capita bears to \$10,000 as applied to the net levy of the lower tier municipality.

General
support
grant to
lower and
upper tier
muni-
cipalities

3.—(1) The Minister shall, out of the moneys appropriated therefor by the Legislature, make a general support grant in 1973 and in each year thereafter to each lower tier municipality and to each upper tier municipality in the amount and in the manner prescribed in the regulations.

Resource
equalization
grant to
lower tier
muni-
cipalities

(2) The Minister shall, out of the moneys appropriated therefor by the Legislature, make a resource equalization grant in 1973 and in each year thereafter to each lower tier municipality in the amount and in the manner prescribed in the regulations.

Assessment
of lower tier
muni-
cipality
deemed
increased

4. For the purposes of any general or special Act, the assessment of a lower tier municipality that receives a resource equalization grant shall be deemed for apportionment purposes, other than for school purposes or for apportionment between merged areas, to be increased by an amount that would have produced the amount of the resource equalization grant by the taxation of real property at the rate applicable to the major portion of commercial and industrial property in the preceding year for all purposes other than school purposes.

Notification
of amount to
be added for
purposes of
s. 4.

5. The clerk of every lower tier municipality that receives a resource equalization grant shall transmit to each body, other than a school board, for which the lower tier municipality is required to levy, within fourteen days of determination of the resource equalization grant, a statement of the amount to be added to the assessment of the municipality under section 4.

Apportion-
ment of
increased
assessment

6. The lower tier municipality shall allocate the resource equalization grant to each of the bodies, other than a school board, for which the lower tier municipality is required to levy, in the proportion that the taxes levied in the preceding year on commercial and industrial property for each such body bears to the total taxes levied in the preceding year on commercial and industrial property for all purposes other than school purposes.

7. The amount allocated to each body under section 6 shall be deducted from the requisition of each such body for the year and the net amount shall be the amount included in the levy of the lower tier municipality for purposes of section 302 of *The Municipal Act* and section 7 of *The Regional Municipal Grants Act* in each year. Reduction for purposes of levy under R.S.O. 1970, c. 284, 405

8. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the conditions under which grants shall be made;
- (b) prescribing the method of calculating grants made under this Act and the conditions attached thereto;
- (c) prescribing the forms and records to be used for the purposes of this Act or the regulations;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

9. Notwithstanding section 4, in 1973, preliminary apportionments may be made which exclude any increase in assessment in respect of a resource equalization grant and an adjustment to the apportionment shall be made when the resource equalization grants for 1973 have been determined. 1973 apportionment may exclude resource equalization payment

10. Any payment made in 1973 under section 28 of *The Assessment Act* to a lower tier municipality designated as a mining municipality for the purposes of that Act shall be deemed to be a grant made under this Act and the payment so made shall be deducted from any grant payable under this Act. Payments under R.S.O. 1970, c. 32, s. 28, deemed payment under this Act

11. This Act shall be deemed to have come into force on the 1st day of January, 1973, and applies with respect to 1973 and subsequent years. Commencement

12. This Act may be cited as *The Property Tax Stabilization Act, 1973*. Short title

2000 101

An Act to establish
Property Tax Stabilization Grants

1st Reading

June 11th, 1973

2nd Reading

June 22nd, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CA20N

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-B56

BILL 155

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Hamilton-Wentworth**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the formation of six area municipalities by the annexation and amalgamation of the eleven local municipalities in the County of Wentworth. It also provides for the dissolution of the County of Wentworth and the incorporation of The Regional Municipality of Hamilton-Wentworth.

The Bill is divided into ten Parts :

PART I	Area municipalities
PART II	Incorporation and establishment of the Council of the Regional Area
PART III	Regional Road System
PART IV	Planning
PART V	Health and Welfare Services
PART VI	Police
PART VII	Regional Waterworks System
PART VIII	Regional Sewage Works
PART IX	Finances
PART X	General

**An Act to establish
The Regional Municipality
of Hamilton-Wentworth**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Hamilton, the Town of Dundas, the Town of Stoney Creek, the Township of Ancaster, the Township of Flamborough and the Township of Glanbrook, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality or a portion of a local municipality constituted as an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means the area included within the County of Wentworth, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Hamilton-Wentworth;

- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitu-
tion of
area muni-
cipalities

- (a) The City of Hamilton is continued as a city municipality.
- (b) The Town of Dundas is continued as a town municipality and portions of the Township of Ancaster and the Township of West Flamborough, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Ancaster, commencing where the north limit of the present Township of Ancaster intersects the west limit of the present Town of Dundas;

THENCE southerly along the west limit to the south limit of Toronto, Hamilton and Buffalo Railway right-of-way;

THENCE in a general westerly direction along that limit to the north limit of Mineral Springs Road;

THENCE westerly along that limit to the west limit of Binkley Road;

THENCE northerly along that limit to the north limit of the present Township of Ancaster;

THENCE easterly along that limit to the place of commencement.

SECONDLY, part of the Township of West Flamborough, commencing where the south limit of the Canadian National Railways right-of-way intersects the west limit of the present Town of Dundas;

THENCE southerly and westerly along the limits of the present Town of Dundas to the south limit of the Township of West Flamborough;

THENCE westerly along that limit to the west limit of Binkley Road;

THENCE northerly along that limit to the south limit of the Canadian National Railways right-of-way;

THENCE easterly along that limit to the place of commencement.

THIRDLY, part of the Township of West Flamborough, commencing where the north limit of the present Town of Dundas intersects the line between lots 22 and 23 of the present Township of West Flamborough;

THENCE northerly along that line to a point 250 feet north from the north limit of Patterson Road;

THENCE northeasterly and parallel to the north limit of Patterson Road to the north limit of Old Guelph Road;

THENCE northeasterly along that limit to the east limit of the present Township of West Flamborough;

THENCE southeasterly, southerly and southwesterly along the limits of the present Township of West Flamborough to the east limit of the present Town of Dundas;

THENCE northerly and southwesterly along the limits of the present Town of Dundas to the place of commencement.

(c) The Town of Stoney Creek and the Township of Saltfleet are amalgamated as a town municipality bearing the name of The Corporation of the Town of Stoney Creek.

(d) The Township of Ancaster, save and except those portions annexed to the Town of Dundas and the Township of Flamborough is continued as a township municipality bearing the name of The Corporation

of the Township of Ancaster and a portion of the Township of Beverly described as follows is annexed to such Township;

PART of the Township of Beverly commencing where the south limit of the present Township of Beverly intersects the southerly prolongation of the west limit of Lot 30, Concession I;

THENCE northerly along that west limit to the south limit of the Canadian National Railways right-of-way;

THENCE easterly along that limit to the east limit of Lot 31, Concession I;

THENCE southerly along that limit and its prolongation to the south limit of the present Township of Beverly;

THENCE westerly along that limit to the place of commencement.

(c) The Township of East Flamborough and the Village of Waterdown are amalgamated as a township municipality bearing the name of The Corporation of the Township of Flamborough and the Township of Beverly and the Township of West Flamborough, save and except those portions annexed from each to the Town of Dundas and the Township of Ancaster, and including that portion of the Police Village of Lynden presently in the Township of Ancaster, are annexed to such Township.

(f) The Township of Binbrook and the Township of Glanford are amalgamated as a township municipality bearing the name of The Corporation of the Township of Glanbrook.

(2) The following police villages are dissolved on the 1st day of January, 1974: Dissolution of police villages

1. The Police Village of Ancaster
2. The Police Village of Freelon
3. The Police Village of Lynden

(3) For the purposes of every Act, the amalgamations, annexations, and dissolutions provided for in this Part shall Amalgamations, annexations, and dissolutions deemed by Municipal Board orders

R.S.O. 1970,
cc. 323, 284

be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under section 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Composition
of area
municipal
councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Hamilton—sixteen members elected by wards and a Board of Control composed of four members elected by general vote of the electors of such municipality.
2. The Town of Dundas—Eight members elected by general vote of the electors of such municipality.
3. The Town of Stoney Creek—eleven members elected by wards and one member elected by general vote of the electors of such municipality.
4. The Township of Ancaster—five members elected by wards and one member elected by general vote of the electors of such municipality.
5. The Township of Flamborough—nine members elected by wards and one member elected by general vote of the electors of such municipality.
6. The Township of Glanbrook—six members elected by wards.

First
elections
and term
of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976.

(3) For the purposes of the elections of the first councils ^{Idem} of the area municipalities, and members thereof to represent the area municipality on the Regional Council,

(a) the Minister may by order divide into wards each area municipality as constituted by section 2, with the exception of the Town of Dundas, and make provisions for the respective number of members of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, and preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of 1972,} councils of the area municipalities notwithstanding *The c. 95* *Municipal Elections Act, 1972.*

4. The members of the council of each area municipality ^{Organization committee, 1973} elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

5. The expenses of the local municipalities for the election ^{First election expenses} to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

6.—(1) On the 15th day of October, 1973, the inhabitants ^{Regional Corporation constituted} of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Hamilton-Wentworth".

(2) The Regional Corporation shall be deemed to be a ^{Deemed municipality under R.S.O. 1970, cc. 118, 323} municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act.*

Regional
Area deemed
Judicial
District

R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Hamilton-Wentworth, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Wentworth
deemed
appoint-
ments for
Judicial
District of
Hamilton-
Wentworth

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Wentworth shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974 in and for the Judicial District of Hamilton-Wentworth.

Regional
Council to
exercise
corporate
powers

7. (1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8. (1) The Regional Council shall consist of twenty-eight members composed of a chairman and,

- (a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) the Board of Control and twelve members of council from the City of Hamilton elected by such council;
- (c) one member of council from the Town of Dundas elected by general vote of the electors of the said area municipality as a member of the Regional Council and the council of such area municipality;
- (d) one member of council from the Town of Stoney Creek elected by general vote of the electors of

such area municipality as a member of the Regional Council and the council of such area municipality;

- (e) one member of council from the Township of Ancaster elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (f) one member of council from the Township of Flam-borough elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (g) one member of council from the Township of Glan-brook elected by such council as a member of the Regional Council.

(2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1973, 1974, 1975 and 1976. Term of office

(3) In the year 1973, the committee, established by sub-section 5 of section 3, for each area municipality which is required to elect a member or members to the Regional Council from amongst its own council members, shall meet to do so on or before the 8th day of October, 1973, and in the year 1977 and in every second year thereafter shall at its first meeting in each such year elect its members to the Regional Council. Election of members to Regional Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman member of area council

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting
in 1973

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

First
meeting of
area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the years 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.'

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meeting in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate
of qualifi-
cation

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and declara-
tion of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office
R.S.O. 1970,
c. 284

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When Council deemed organized

11.—(1) Fifteen members of the Regional Council representing three area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman, vote

12. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. Place of meeting

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council shall appoint a successor to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of Other members

the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.

Resignation (5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.

Where head of council incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of the council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration **14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

Idem (2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees **15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remuneration of committee chairman (2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.

Procedural by-laws **16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council **17.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief administrative officer (2) The Regional Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of

the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284} applies to a chief administrative officer appointed under subsection 2 of this section.

18. When the chairman is absent from the Regional Area ^{Acting chairman} or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to ^{Application of R.S.O. 1970, c. 284} 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

20.—(1) The Regional Council shall appoint a clerk, ^{Appointment of clerk} whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk,
first
meeting

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

(3) When the office of treasurer is vacant or the treasurer ^{Acting treasurer} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

23.—(1) The treasurer shall receive and safely keep ^{Receipt and disbursement of money} all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund ^{Petty cash fund} of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this ^{When member may be paid} Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*, c. 142.

(5) The treasurer is not liable for money paid by him in ^{Treasurer's liability limited} accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer ^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks

of Canada or at such other place of deposit as may be approved by the Regional Council;

(b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and

(c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

(4) An auditor shall perform such duties as are prescribed ^{Duties of auditors} by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

27.—(1) Where the Regional Corporation or a local board ^{Pensions} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or a local board ^{Idem} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board ^{Sick leave credits} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board ^{Holidays} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or local board thereof, shall during the first year of his employment by the Regional

Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
employment

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by the County of Wentworth or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973.

Entitlement
to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Application
of R.S.O.
1970, c. 324

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

(11) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Pension
rights
and sick
leave
credits

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Termina-
tion of
employment

PART III

REGIONAL ROAD SYSTEM

28. In this Part,

Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister ;
- (b) "construction" includes reconstruction ;
- (c) "maintenance" includes repairs ;
- (d) "Minister" means the Minister of Transportation and Communications ;
- (e) "Ministry" means the Ministry of Transportation and Communications ;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Wentworth and the Hamilton Suburban Roads Commission shall constitute the regional road system.

County
roads to
constitute
regional
road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Adding or
removing
roads by
by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed

Transfer of
provincial
highway to
Regional
Corporation

- R.S.O. 1970,
c. 201
- to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.
- Vesting of
regional
road system
- (4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.
- Removal of
roads from
regional
road system
- (5) The Lieutenant Governor in Council may remove any road from the regional road system.
- Roads
removed
from
system
- (6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.
- Status
of land
acquired for
widening
regional
road
- (7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.
- Idem
- (8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.
- Consolidat-
ing by-laws
- (9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.
- Approval
of by-laws
- (10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

(11) *The Regulations Act* does not apply to an order in council made under this section. Application of R.S.O. 1970, c. 410

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. Plans of construction and maintenance

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. Furnishing of information to Minister

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. Contribution towards expenditures R.S.O. 1970, c. 201

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. Maintenance and repair

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed either by statute, by-law, contract or otherwise upon The Corporation of the County of Wentworth or the Hamilton Suburban Roads Commission or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Wentworth or the Hamilton Suburban Roads Commission or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. Power over roads assumed

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. Sidewalks excepted R.S.O. 1970, c. 284

Area municipalities may construct sidewalks, etc.

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

How cost provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Area municipality to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970, c. 201, s. 97 (4) not to apply

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation of traffic control devices

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. Intersection of other roads by regional road

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. New roads R.S.O. 1970, c. 284

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways. Powers and liabilities of Regional Corporation R.S.O. 1970, cc. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service. Establishment of bus lanes

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of, Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic

Signal-light
devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution
toward cost
of signal-
lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic
control
within 100
feet of
regional
roads
R.S.O. 1970,
c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements
for
pedestrian
walks

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes
as to main-
tenance, etc.,
of bridges and
highways
R.S.O. 1970,
c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing by
O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Term of
order

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
area muni-
cipalities
R.S.O. 1970,
c. 284

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict
with local
by-laws

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person, including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final. Practice and procedure on appeal

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 323, s. 95 not to apply

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private roads, etc., opening upon regional controlled-access road

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48. Notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be, Compensation

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

Regional
liability
where road
forms part
of system

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing such agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
roads
commissioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional system.

Application
of R.S.O.
1970, c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
Area
R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be a joint planning area under *The Planning Act* to be known as the Hamilton-Wentworth Planning Area.

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Hamilton-Wentworth Planning Area. Designated municipality R.S.O. 1970, c. 349

(3) All planning areas and subsidiary planning areas that are included in the Hamilton-Wentworth Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973. Planning areas dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board. Area municipalities subsidiary planning areas

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area. Proviso

(6) When the Minister has approved an official plan adopted by the Regional Council, Effect of official plan

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Hamilton-Wentworth Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Hamilton-Wentworth Planning Area, and without limiting the generality of the foregoing shall, Planning duties of Regional Council

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Hamilton-Wentworth Planning Area;
- (b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Hamilton-Wentworth Planning Area;
- (c) consult with any local board having jurisdiction within the Hamilton-Wentworth Planning Area;

Official
plan

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Appoint-
ment of
planning staff

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

Regional
Corporation
deemed
municipality
under R.S.O.
1970, c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Idem

(5) The Regional Corporation shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Hamilton-Wentworth Planning Area or any part thereof.

Delegation
of Minister's
powers

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of adjust-
ment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Hamilton-Wentworth Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons, not fewer than three, as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of R.S.O.
1970, c. 349

56. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents
R.S.O. 1970,
cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Wentworth.

Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974.

Proviso

58.—(1) The Regional Council shall be responsible for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of all public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Aid to hospitals

(2) The Regional Council shall be responsible for making all municipal appointments to the board of any public hospital in the Regional Area.

Regional Council to make municipal appointments to board

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payment of principal and interest to area municipalities

(4) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Hospital costs form part of regional levy

Regional
Area to be
health unit
R.S.O. 1970,
c. 377

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Hamilton-Wentworth Regional Board of Health.

Dissolution
of Hamilton-
Wentworth
health unit

(2) The health unit serving the County of Wentworth and the City of Hamilton on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Hamilton-Wentworth Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974, the Hamilton-Wentworth Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
members

(2) The members of the Hamilton-Wentworth Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Hamilton-Wentworth Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Regional
Corporation
deemed city
under R.S.O.
1970, cc. 21,
270, 422, 490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*

4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

Regional Corporation deemed county under R.S.O. 1970, c. 104, 192, 203

1. *The Day Nurseries Act.*

2. *The General Welfare Assistance Act.*

3. *The Homemakers and Nurses Services Act.*

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability for homes for aged R.S.O. 1970, c. 206

(2) The homes for the aged known as Wentworth Lodge and Macassa Lodge and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Homes for aged vested in Regional Corporation

(3) The Regional Corporation shall pay to The Corporation of the City of Hamilton on or before the date all amounts of principal and interest becoming due upon any outstanding debt in respect of Macassa Lodge.

Existing debt

(4) If the Regional Corporation fails to make any payment as required by subsection 3, the City of Hamilton may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the City determines from such date until payment is made.

Default

63.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of other homes for aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional Corporation deemed municipality under R.S.O. 1970, c. 64

Existing
liabilities
transferred
1965, c. 14

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability
under order
made under
R.S.O. 1970,
c. J-3

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

68. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

70. In this Part, "Hamilton-Wentworth Police Board" means the Hamilton-Wentworth Regional Board of Commissioners of Police.

Hamilton-
Wentworth
Regional
Board
established
R.S.O. 1970,
c. 351

71.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973, a board of commissioners of police shall be constituted to be known as the Hamilton-Wentworth Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of Hamilton-Wentworth designated by the Lieutenant Governor in Council; and

- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Hamilton-Wentworth Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Hamilton-Wentworth Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

72.—(1) On and after the 1st day of January, 1974,

Regional
Corporation
deemed
city under
R.S.O. 1970,
c. 351

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

- (b) *The Police Act* does not apply to any area municipality; and

- (c) the Hamilton-Wentworth Police Board and the members of the Hamilton-Wentworth Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws of any area municipality, shall where prosecuted by the Hamilton-Wentworth Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Hamilton-Wentworth Regional Police Force, and the provisions of subsections 4 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, exclusive of rank, less favourable than those he was receiving from the local municipality.

Hamilton-
Wentworth
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Hamilton-Wentworth Regional Police Force on the 1st day of January, 1974, is subject to the government of the Hamilton-Wentworth Police Board to the same extent as if appointed by the Hamilton-Wentworth Police Board and the Hamilton-Wentworth Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Hamilton-Wentworth Regional Police.

Terms of
employment

(3) Every person who becomes a member of the Hamilton-Wentworth Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Hamilton-Wentworth Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and be entitled to participate in the supplementary plan as may be established either for the Town of Stoney Creek or the Town of Dundas;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Hamilton-Wentworth Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Hamilton-Wentworth Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment further than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Hamilton-Wentworth Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

(5) Notwithstanding the provisions of clauses *a* and *b* of subsection 3, those members of the police force of a local municipality whose retirement age under By-law No. 7970, as amended, of the City of Hamilton, was sixty-five years of age immediately before they became members of the Hamilton-Wentworth Regional Police Force shall retire on attaining 35 years of service or sixty-five years of age whichever comes first.

Retirement
of present
members of
police of
local
municipality

(6) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Hamilton-Wentworth Police Board in the manner and for the purposes provided in *The Police Act* and the Hamilton-Wentworth Police Board shall be the sole negotiating body to bargain with such committee.

Joint
bargaining
committee

R.S.O. 1970,
c. 351

(7) The first meeting of the bargaining committee and the Hamilton-Wentworth Police Board shall be held not later than the 30th day of November, 1973.

Time of
meeting

(8) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Hamilton-Wentworth Police Board.

Application
of R.S.O.
1970, c. 284

74.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Hamilton-Wentworth Police Board any such land or building that the Hamilton-Wentworth Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Assumption
of buildings

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Sale by
area muni-
cipalities
limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

Extension
of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, force

Building
not used
exclusively
for police
force

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommoda-
tion

(7) Where a building vested in a local municipality or local board is used partly by the police force of the regional municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Hamilton-Wentworth Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed

upon, at least as much accommodation in such building for the use of the Hamilton-Wentworth Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(8) At the request of the Hamilton-Wentworth Police Board, ^{Office supplies, etc.} each area municipality, for the use of the Hamilton-Wentworth Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

(9) All signal and communication systems owned by any ^{Signal system transferred} local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Hamilton-Wentworth Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether any land or ^{Settling of doubts} building is used at least 40 per cent for the purposes of a police force, the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and ^{Property to be provided} personal property necessary for the purposes of the Hamilton-Wentworth Police Board.

PART VII

REGIONAL WATERWORKS SYSTEM

Region
to be sole
distributor
of water

76.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation except the power to establish a public utilities commission.

No area
municipality
to distribute
water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting
of water
supply
facilities

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement.

R.S.O. 1970.
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Water
supply
agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional

Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

PART VIII

REGIONAL SEWAGE WORKS

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage except as provided for in subsection 8 in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage except as provided in subsection 8.

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8 and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of the local improvement work.

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per

annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Special
rates

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Agreements

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Land
drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of area
municipal
land drainage
systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising of
money by
area
municipality

(10) An area municipality may,

(a) pay the amounts chargeable to it under subsection 6. out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being

or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and drainage chargeable within an urban service area established in the area municipality under any general or special Act.

PART IX

FINANCES

78.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*. Interpretation R.S.O. 1970, c. 32

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act. Area municipality deemed municipality under R.S.O. 1970, c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that, Regional Corporation deemed regional municipality

- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Investment of moneys not immediately required R.S.O. 1970, c. 284

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Operating
deficit,
County of
Wentworth

(3) The amount by which any operating deficit existing for the County of Wentworth on the 31st day of December, 1973, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipality or municipalities not later than the 30th day of June, 1974.

Operating
surplus, etc.,
County of
Wentworth

(4) Where an operating surplus exists for the County of Wentworth on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation.

Surplus
contribution,
City of
Hamilton

(5) Where an operating surplus exists for the County of Wentworth on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, a sum shall be determined equivalent to,

- (a) the audited surplus of the County of Wentworth together with the total of such county's reserves on such date; or
- (b) the total of the County's reserves less the audited deficit of the County on such date,

and such sum shall be paid by the City of Hamilton to the Regional Corporation not later than the 30th day of June, 1974.

(6) The Regional Council shall transfer to a reserve for working funds an amount equal to the aggregate of, ^{Reserve for working funds}

- (a) the audited surplus of the County of Wentworth together with the total of such county's reserves on such date; or
- (b) the total of such county's reserves less the audited deficit of the county on such date; and
- (c) any amount payable to the Regional Corporation under subsection 5.

(7) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. ^{Application of R.S.O. 1970, cc. 32, 284}

81.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law ^{Apportionment} direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. ^{Idem}

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. ^{Equalized assessment}

Copy to
Regional
Corporation
and area
municipalities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not
to apply

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

Assessment to include valuations on properties for which payments in lieu of taxes paid
R.S.O. 1970, c. 284
1971, c. 78
1973, c. ...

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Valuation of properties

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Levy by-laws

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional levy
R.S.O. 1970, c. 32

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Payment

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Default

82. —(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each

Equalized assessment of merged areas

such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-
tion of
rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by
Regional
Council
before
estimates
adopted

83.—(1) Notwithstanding section 81, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy.

Idem

(2) Notwithstanding section 81, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

Levy under
s. 81 to be
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81.

(4) Notwithstanding section 82 the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year of residential real property of public school supporters.

Levy by area municipality before estimates adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82.

Levy under s. 82 to be reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application of R.S.O. 1970, c. 284, s. 303 (4)

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 81.

Preliminary assessment

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Notice

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under R.S.O. 1970, c. 430

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for public school purposes on commercial assessment R.S.O. 1970, c. 424

Rates for
public school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Regulations
under R.S.O.
1970, c. 425
to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

ADJUSTMENTS

Transitional
adjustments

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality. Allowances to be made in estimates of area municipalities in 1974 R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973. Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll. Idem

(4) For the purpose of this section and section 87, the audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall be reduced or increased as the case may be by any payment made by a local municipality under subsections 3 and 5 of section 80. Adjustment for payments under s. 80

87.—(1) In this section “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*. Interpretation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974. Surplus or deficit at December 31, 1973 to be applied to supporting assessment

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of any divided municipality. Arbitration

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint. Idem

- Provisional determination** (3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.
- Final determination** (4) As soon as possible, thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.
- Idem** (5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.
- R.S.O. 1970, c. 284**
- Idem** (6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.
- Documents and records** (7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.
- Period of adjustment** (8) Notwithstanding the provisions of section 80, 87 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

- Reserve funds of municipalities** **89.—**(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. Idem

90.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds, establishment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Investments and income R.S.O. 1970, c. 470

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry. Expenditure of reserve fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. Auditor to report on reserve funds

TEMPORARY LOANS

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Current borrowings R.S.O. 1970, c. 284

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister. Idem

DEBT

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, Debt R.S.O. 1970, c. 323

(a) the Regional Corporation;

(b) any area municipality;

- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability (2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation (3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

Uncompleted works (4) When an area municipality, on or before the 31st day of December, 1973,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

R.S.O. 1970,
c. 470

Power to
incur debt
or issue
debentures

93. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corpora-

tion may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

94.—(1) Where, under any general or special Act, an area ^{Idem} municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

(2) Nothing in subsection 1 requires the assent of any ^{Proviso} electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

R.S.O. 1970,
c. 323

95. (1) Where the Municipal Board has authorized the ^{Borrowing} borrowing of money and the issue of debentures by the ^{pending} Regional Corporation for its purposes, the Regional Council ^{issue and} pending the issue and sale of the debentures may agree with ^{sale of} a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law ^{debentures} pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing ^{Idem} of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The Regional Corporation may charge interest on any ^{Interest} proceeds of an advance or loan transferred under subsection 2 ^{on proceeds} at a rate sufficient to reimburse it for the cost of such advance ^{transferred} or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107 shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent
subsequent
sale of
debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special
levy against
area muni-
cipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of

debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidation

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Consolidating debenture by-laws
R.S.O. 1970,
c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of

the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency (20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated
bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. Sinking fund committee

(25) The Regional Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. Alternate members

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. Security
R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of sinking fund assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals from bank accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. Investments

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. ^{Offence}

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. ^{Where amount in sinking fund account more than sufficient to pay debt}

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

97.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments or principal and interest payable by it to the Regional Council. Special assessment and levies

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day When to take effect

of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the Mechanical reproduction of signatures

debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of
transfer
may be
prescribed

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the

Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Require-
ments as to
endorsing
certificate of
ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by
entry in
Debenture
Registry
Book

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Fully
Registered
Debenture

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement
of lost
debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of
debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request
of sinking
fund
committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respect shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New
debenture
of same
force and
effect as
debenture
surrendered

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds of
debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose

or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

108. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale of hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 107 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

Use of
proceeds of
sale of asset
acquired
from
proceeds of
sale of
debentures

109. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders for
debentures

110.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,
 distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and
- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

114. In 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at more than \$5,000.

PART X

GENERAL

115.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. Deemed municipality for R.S.O. 1970, c. 250, s. 88

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974 and may be amended or repealed by the council of an area municipality as it affects such area municipality. By-laws

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Ontario Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of Idem

December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(10) If the Regional Corporation fails, on or before the due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency
measures,
civil defence
R.S.O. 1970.
c. 284

116.—(1) The Regional Council shall pass by-laws under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act*, and no area municipality shall pass any such by-laws.

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

R.S.C. 1970.
c. W-2
R.S.O. 1970.
c. 145

- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 145

117.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Expenditures
for diffusing
information

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers.

Application
of R.S.O.
1970, c. 284

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Grants
to persons
engaged
in work
advanta-
geous to
Regional
Area

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Hamilton-Wentworth Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Payment of
damages
to employees
R.S.O. 1970,
c. 505

Investigation by
county judge
of charges of
malfeasance

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or Judicial District adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

1971, c. 49

Fees payable
to judge
R.S.O. 1970,
c. 228

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Commission
of inquiry

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

When
commission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways, etc.

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. Agreements re services

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1970, c. 32

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof. Interpretation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Execution against Regional Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Hamilton-Wentworth (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Function
of clerk,
collector
and assessor

126.—(1) The Corporation of the County of Wentworth is dissolved on the 1st day of January, 1974 and the Regional Corporation shall stand in the place and stead of the County of Wentworth.

County
dissolved

(2) All the assets and liabilities of the County of Wentworth become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Wentworth shall be transferred to the clerk.

Assets and
liabilities,
etc.

(3) The Hamilton Suburban Roads Commission is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof become on such date the assets and liabilities of the Regional Corporation and all records and documents of the said roads commission shall be transferred to the clerk.

Hamilton
Suburban
Roads
Commission
dissolved

127.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Wentworth.

Powers of
Municipal
Board

R.S.O. 1970,
c. 284

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling
of doubts

R.S.O. 1970,
c. 323

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board may upon application determine the matter and its decision is final.

Idem

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such

Conditional
powers

acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Act

129.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Wentworth or a local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

130. (1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of R.S.O. 1970,
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Interpre-
tation

131.— (1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

Waste
disposal
sites

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including

buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B. to arbitrate

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality. Agreement, successor rights

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire Co-ordinator

Existing
speed
limits
continued
R.S.O. 1970,
c. 202

134.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O.
1970, c. 354,
s. 108

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.

Board of
Trustees
deemed
commission

(4) The Board of Trustees of the Police Village of Lynden as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the area of the said police village and be known as the Hydro-Electric Commission of Lynden.

R.S.O. 1970,
c. 390

(5) All the assets and liabilities of and pertaining to the hydro-electric system of the Police Village of Lynden shall be assumed on the 1st day of January, 1974 by the Hydro-Electric Commission of Lynden and the said Commission shall be deemed to be a local board of the Township of Flam-borough.

Assets and
liabilities

(6) All public utilities commissions and waterworks com-missions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions
dissolved

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of
commission
not dis-
qualified as
members of
Council

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation and park management in a local municipality are dissolved and the assets and liabilities thereof become on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality forms part or is continued, and in the event the area of jurisdiction of any such board is divided between two or more area municipalities, the committee of arbitrators appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Dissolution
of boards

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation
and parks
management
board
R.S.O. 1970,
cc. 120, 73

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Acquiring
land for
parks, etc

R.S.O. 1970,
c. 384

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or in-toxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1970,
c. 250

Application
of R.S.O.
1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation
a municipi-
pality under
R.S.O. 1970,
c. 337

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.

Public lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1970,
c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

Payment in
lieu of
taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

Wentworth
County
Library

138. The Minister may by order do all such things as may be necessary to re-establish the Wentworth County Library.

School
division
continued

139. On and after the 1st day of January, 1974, the portion of the Regional Municipality of Hamilton-Wentworth that is not in the City of Hamilton is a school division and The Wentworth County Board of Education is continued subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education of such school division.

Election
R.S.O. 1970,
cc. 425, 430

140. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Wentworth County Board of Education, section 37 of the said Act applies to the election of the members of The Board of Education for the City of Hamilton and section 90 of *The Separate Schools Act* applies to the election of the members of The Wentworth County Roman Catholic Separate School

Board, except that, notwithstanding *The Municipal Elections* 1972, c. 95 *Act*, 1972, in the year 1973,

- (a) the polling day for the members of The Wentworth County Board of Education and the Board of Education for the City of Hamilton and of The Wentworth County Roman Catholic Separate School Board shall be the 1st day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area;
- (b) the Minister shall, by order provide for nomination and term of office of candidates for The Wentworth County Board of Education and the Board of Education for the City of Hamilton and for The Wentworth County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973. R.S.O. 1970,
c. 284, s. 244
not to apply

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. Public
library
boards
R.S.O. 1970,
c. 381

143. The Council of the City of Hamilton may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*. Power of
cities in
Regional
Area to
pass by-laws

144.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation. Organization
expenses

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct. Idem

145.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent. Commence-
ment

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.

Short title

146. This Act may be cited as *The Regional Municipality of Hamilton-Wentworth Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Hamilton-Wentworth, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Hamilton-Wentworth declare that:

1. I am a British subject and am not a citizen or a subject of any foreign county.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of
Hamilton-Wentworth

1st Reading

June 13th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)

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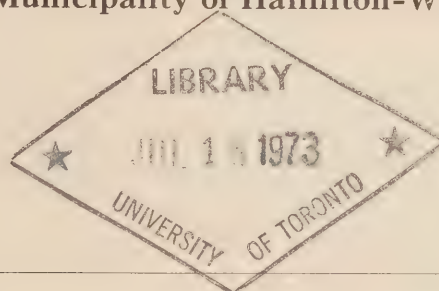
BILL 155

Government Bill

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Hamilton-Wentworth**



THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTE

The Bill provides for the formation of six area municipalities by the annexation and amalgamation of the eleven local municipalities in the County of Wentworth. It also provides for the dissolution of the County of Wentworth and the incorporation of The Regional Municipality of Hamilton-Wentworth.

The Bill is divided into ten Parts:

- | | |
|-----------|--|
| PART I | Area municipalities |
| PART II | Incorporation and establishment of the Council of the
Regional Area |
| PART III | Regional Road System |
| PART IV | Planning |
| PART V | Health and Welfare Services |
| PART VI | Police |
| PART VII | Regional Waterworks System |
| PART VIII | Regional Sewage Works |
| PART IX | Finances |
| PART X | General |

**An Act to establish
The Regional Municipality
of Hamilton-Wentworth**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Hamilton, the Town of Dundas, the Town of Stoney Creek, the Town of Ancaster, the Township of Flamborough and the Township of Glanbrook, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (*h*) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (*i*) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (*j*) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality or a portion of a local municipality constituted as an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (*k*) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (*l*) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (*m*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (*n*) "Municipal Board" means the Ontario Municipal Board;
- (*o*) "Regional Area",
 - (i) until the 1st day of January, 1974, means the area included within the County of Wentworth, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;
- (*p*) "Regional Corporation" means The Regional Municipality of Hamilton-Wentworth;

- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitu-
tion of
area muni-
cipalities

- (a) The City of Hamilton is continued as a city municipality.



- (b) The Town of Dundas is continued as a town municipality and portions of the Township of Ancaster and the Township of West Flamborough, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Ancaster, commencing where the north limit of the present Township of Ancaster intersects the west limit of the present Town of Dundas;

THENCE southerly along the west limit to the south limit of Toronto, Hamilton and Buffalo Railway right-of-way;

THENCE in a generally westerly direction along that limit to the west limit of lot forty-four in the First Concession of the Township of Ancaster;

THENCE in a northerly direction along the west limit of lot forty-four to a point 200 feet south of the south limit of Highway Ninety-nine;

THENCE in a westerly direction along a line 200 feet south of and parallel to the south limit of Highway Ninety-nine to the west limit of Binkley Road;

THENCE northerly along that limit to the north limit of the present Township of Ancaster;

THENCE easterly along that limit to the place of commencement.

SECONDLY, part of the Township of West Flamborough, commencing where the south limit of the Canadian National Railways right-of-way intersects the west limit of the present Town of Dundas;

THENCE southerly and westerly along the limits of the present Town of Dundas to the south limit of the Township of West Flamborough;

THENCE westerly along that limit to the west limit of Binkley Road;

THENCE northerly along that limit to the south limit of the Canadian National Railways right-of-way;

THENCE easterly along that limit to the place of commencement.

THIRDLY, part of the Township of West Flamborough, commencing where the north limit of the present Town of Dundas intersects the line between lots 22 and 23 of the present Township of West Flamborough;

THENCE northerly along that line to a point 250 feet north from the north limit of Patterson Road;

THENCE northeasterly and parallel to the north limit of Patterson Road to the north limit of Old Guelph Road;

THENCE northeasterly along that limit to the east limit of the present Township of West Flamborough;

THENCE southeasterly, southerly and southwesterly along the limits of the present Township of West Flamborough to the east limit of the present Town of Dundas;

THENCE northerly and southwesterly along the limits of the present Town of Dundas to the place of commencement.

- (c) The Town of Stoney Creek and the Township of Saltfleet are amalgamated as a town municipality bearing the name of The Corporation of the Town of Stoney Creek.

- (d) The Township of Ancaster, save and except that portion annexed to the Town of Dundas is estab-

lished as a town municipality bearing the name of The Corporation of the Town of Ancaster.

(e) The Township of East Flamborough and the Village of Waterdown are amalgamated as a township municipality bearing the name of The Corporation of the Township of Flamborough and the Township of Beverly and the Township of West Flamborough, save and except that portion annexed to the Town of Dundas from the Township of West Flamborough are annexed to such township.

(f) The Township of Binbrook and the Township of Glanford are amalgamated as a township municipality bearing the name of The Corporation of the Township of Glanbrook.

(2) The following police villages are dissolved on the 1st day of January, 1974: Dissolution of police villages

1. The Police Village of Ancaster
2. The Police Village of Freerton
3. The Police Village of Lynden

(3) For the purposes of every Act, the amalgamations, annexations, and dissolutions provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under section 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause a of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order, Referendum re area municipality names

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b* all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of area
municipal
councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Hamilton—sixteen members elected by wards and a Board of Control composed of four members elected by general vote of the electors of such municipality.
2. The Town of Dundas—Eight members elected by general vote of the electors of such municipality.
3. The Town of Stoney Creek—eleven members elected by wards and one member elected by general vote of the electors of such municipality.
4. The Town of Ancaster—five members elected by wards and one member elected by general vote of the electors of such municipality.
5. The Township of Flamborough—nine members elected by wards and one member elected by general vote of the electors of such municipality.
6. The Township of Glanbrook—six members elected by wards.

First
elections
and term
of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities, and members thereof to represent the area municipality on the Regional Council,

- (a) the Minister may by order divide into wards each area municipality as constituted by section 2, with

the exception of the Town of Dundas, and make provisions for the respective number of members of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

- (i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, and preparation of polling lists, and
- (ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of 1972,} councils of the area municipalities notwithstanding *The c. 95* *Municipal Elections Act, 1972.*

4. The members of the council of each area municipality ^{Organization committee,} elected in the year 1973 shall comprise a committee in their ¹⁹⁷³ respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

5. The expenses of the local municipalities for the election ^{First election expenses} to elect members of the councils of the area municipalities and members and trustees of school boards in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

6.—(1) On the 15th day of October, 1973, the inhabitants ^{Regional Corporation constituted} of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Hamilton-Wentworth".

(2) The Regional Corporation shall be deemed to be a ^{Deemed municipality under R.S.O. 1970, cc. 118, 323} municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act.*

Regional
Area deemed
Judicial
District

R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Hamilton-Wentworth, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Wentworth
deemed
appoint-
ments for
Judicial
District of
Hamilton-
Wentworth

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Wentworth shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974 in and for the Judicial District of Hamilton-Wentworth.

Regional
Council to
exercise
corporate
powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of twenty-eight members composed of a chairman and,

- (a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) the Board of Control and twelve members of council from the City of Hamilton elected by such council;
- (c) one member of council from the Town of Dundas elected by general vote of the electors of the said area municipality as a member of the Regional Council and the council of such area municipality;
- (d) one member of council from the Town of Stoney Creek elected by general vote of the electors of

such area municipality as a member of the Regional Council and the council of such area municipality;

- (e) one member of council from the Town of Ancaster elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (f) one member of council from the Township of Flam-borough elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (g) one member of council from the Township of Glan-brook elected by such council as a member of the Regional Council.

(2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1973, 1974, 1975 and 1976. Term of office

(3) In the year 1973, the committee, established by section 4, for each area municipality which is required to elect a member or members to the Regional Council from amongst its own council members, shall meet to do so on or before the 8th day of October, 1973, and in the year 1977 and in every second year thereafter, the council of such area municipality shall at its first meeting in each such year elect its members to the Regional Council. Election of members to Regional Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman becomes a member of area council

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting
in 1973

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

First
meeting of
area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the years 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meeting in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate
of qualifi-
cation

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and declara-
tion of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

Declaration
of office
R.S.O. 1970,
c. 284

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

When
Council
deemed
organized

11.—(1) Fifteen members of the Regional Council representing three area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

Quorum,
voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

One vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Chairman,
vote

12. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Place of
meeting

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council shall appoint a successor to hold office as chairman for the remainder of the term of his predecessor.

Vacancies,
chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of

Other
members

the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.

Resignation (5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.

Where head of council incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of the council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration **14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

Idem (2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees **15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remuneration of committee chairman (2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.

Procedural by-laws **16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council **17.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief administrative officer (2) The Regional Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of

the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* Application of R.S.O. 1970, c. 284 applies to a chief administrative officer appointed under subsection 2 of this section.

18. When the chairman is absent from the Regional Area Acting chairman or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to Application of R.S.O. 1970, c. 284 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* Idem apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

20.—(1) The Regional Council shall appoint a clerk, Appointment of clerk whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk,
first
meeting

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

(3) When the office of treasurer is vacant or the treasurer ^{Acting} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

23.—(1) The treasurer shall receive and safely keep ^{Receipt and dis-} all money of the Regional Corporation and shall pay out ^{bursement of money} money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the ^{Petty cash fund} treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this ^{When member may be paid} Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972.* ^{1972, c. 142}

(5) The treasurer is not liable for money paid by him in ^{Treasurer's liability limited} accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer ^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks

of Canada or at such other place of deposit as may be approved by the Regional Council;

- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

(4) An auditor shall perform such duties as are prescribed ^{Duties of auditors} by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

27.—(1) Where the Regional Corporation or a local board ^{Pensions} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or a local board ^{Idem} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board ^{Sick leave credits} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board thereof ^{Holidays} is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or local board thereof, shall during the first year of his employment by the Regional

Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
employment

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by the County of Wentworth or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973.

Entitlement
to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Application
of R.S.O.
1970, c. 324

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

(11) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Pension
rights
and sick
leave
credits

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Termina-
tion of
employment

PART III

REGIONAL ROAD SYSTEM

28. In this Part,

Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Wentworth and the Hamilton-Wentworth Suburban Roads Commission shall constitute the regional road system.

County
roads to
constitute
regional
road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Adding or
removing
roads by
by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed

Transfer of
provincial
highway to
Regional
Corporation

- R.S.O. 1970,
c. 201
- Vesting of
roads in
regional
road system
- Removal of
roads from
regional
road system
- Roads
removed
from
system
- Status
of land
acquired for
widening
regional
road
- Idem
- Consolidat-
ing by-laws
- Approval
of by-laws
- to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.
- (4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.
- (5) The Lieutenant Governor in Council may remove any road from the regional road system.
- (6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.
- (7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.
- (8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.
- (9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.
- (10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

(11) *The Regulations Act* does not apply to an order in council made under this section. Application of R.S.O. 1970, c. 410

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. Plans of construction and maintenance

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. Furnishing of information to Minister

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. Contribution towards expenditures R.S.O. 1970, c. 201

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. Maintenance and repair

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed either by statute, by-law, contract or otherwise upon The Corporation of the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. Power over roads assumed

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. Sidewalks excepted R.S.O. 1970, c. 284

Area municipalities may construct sidewalks, etc.

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

How cost provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Area municipality to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970, c. 201, s. 97 (4) not to apply

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation of traffic control devices

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. Intersection of other roads by regional road

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under subsection 2 of section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. New roads R.S.O. 1970, c. 284

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways. Powers and liabilities of Regional Corporation R.S.O. 1970, cc. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection “public transit motor vehicle” means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service. Establishment of bus lanes

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of, Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic

Signal-light
devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution
toward cost
of signal-
lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic
control
within 100
feet of
regional
roads
R.S.O. 1970,
c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements
for
pedestrian
walks

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes
as to main-
tenance, etc.,
of bridges and
highways
R.S.O. 1970,
c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing by
O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Term of
order

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
area muni-
cipalities
R.S.O. 1970,
c. 284

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict
with local
by-laws

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person, including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final. Practice and procedure on appeal

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 323, s. 95 not to apply

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private roads, etc., opening upon regional controlled-access road

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48. Notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be, Compensation

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

Regional
liability
where road
forms part
of system

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing such agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
roads
commissioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional system.

Application
of R.S.O.
1970, c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
Area
R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be a joint planning area under *The Planning Act* to be known as the Hamilton-Wentworth Planning Area.

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Hamilton-Wentworth Planning Area. Designated municipality R.S.O. 1970, c. 349

(3) All planning areas and subsidiary planning areas that are included in the Hamilton-Wentworth Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973. Planning areas dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board. Area municipalities subsidiary planning areas

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area. Proviso

(6) When the Minister has approved an official plan adopted by the Regional Council, Effect of official plan

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Hamilton-Wentworth Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Hamilton-Wentworth Planning Area, and without limiting the generality of the foregoing shall, Planning duties of Regional Council

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Hamilton-Wentworth Planning Area;
- (b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Hamilton-Wentworth Planning Area;
- (c) consult with any local board having jurisdiction within the Hamilton-Wentworth Planning Area;

Official
plan

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Appoint-
ment of
planning staff

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

Regional
Corporation
deemed
municipality
under R.S.O.
1970, c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Idem

(5) The Regional Corporation shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Hamilton-Wentworth Planning Area or any part thereof.

Delegation
of Minister's
powers

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of adjust-
ment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Hamilton-Wentworth Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons, not fewer than three, as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of R.S.O.
1970, c. 349

56. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability
for hospital-
ization of
indigents
R.S.O. 1970,
cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Wentworth.

Existing
liabilities
transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974.

Proviso

58.—(1) The Regional Council shall be responsible for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of all public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Aid to
hospitals

(2) The Regional Council shall be responsible for making all municipal appointments to the board of any public hospital in the Regional Area.

Regional
Council to
make
municipal
appoint-
ments to
board

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payment of
principal
and interest
to area muni-
cipalities

(4) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Hospital
costs form
part of
regional levy

Regional
Area to be
health unit
R.S.O. 1970,
c. 377

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Hamilton-Wentworth Regional Board of Health.

Dissolution
of Hamilton-
Wentworth
health unit

(2) The health unit serving the County of Wentworth and the City of Hamilton on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Hamilton-Wentworth Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974, the Hamilton-Wentworth Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
members

(2) The members of the Hamilton-Wentworth Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Hamilton-Wentworth Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Regional
Corporation
deemed city
under R.S.O.
1970, cc. 21,
270, 422, 490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*

4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

Regional Corporation deemed county under R.S.O. 1970, c. 104, 192, 203

1. *The Day Nurseries Act.*

2. *The General Welfare Assistance Act.*

3. *The Homemakers and Nurses Services Act.*

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability for homes for aged R.S.O. 1970, c. 206

(2) The homes for the aged known as Wentworth Lodge and Macassa Lodge and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Homes for aged vested in Regional Corporation

(3) The Regional Corporation shall pay to The Corporation of the City of Hamilton on or before the due date all amounts of principal and interest becoming due upon any outstanding debt in respect of Macassa Lodge.

Existing debt

(4) If the Regional Corporation fails to make any payment as required by subsection 3, the City of Hamilton may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the City determines from such date until payment is made.

Default

63.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of other homes for aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional Corporation deemed municipality under R.S.O. 1970, c. 64

Existing
liabilities
transferred
1965, c. 14

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability
under order
made under
R.S.O. 1970,
c. J-3

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

68. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

70. In this Part, "Hamilton-Wentworth Police Board" means the Hamilton-Wentworth Regional Board of Commissioners of Police.

Hamilton-
Wentworth
Regional
Board
established
R.S.O. 1970,
c. 351

71.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973, a board of commissioners of police shall be constituted to be known as the Hamilton-Wentworth Regional Board of Commissioners of Police, which shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council;

(b) a judge of a county or district court designated by the Lieutenant Governor in Council; and

- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Hamilton-Wentworth Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Hamilton-Wentworth Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

72.—(1) On and after the 1st day of January, 1974,

Regional
Corporation
deemed
city under
R.S.O. 1970,
c. 351

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

- (b) *The Police Act* does not apply to any area municipality; and

- (c) the Hamilton-Wentworth Police Board and the members of the Hamilton-Wentworth Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws of any area municipality, shall where prosecuted by the Hamilton-Wentworth Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Hamilton-Wentworth Regional Police Force, and the provisions of subsections 4 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, exclusive of rank, less favourable than those he was receiving from the local municipality.

Area police
force

Hamilton-
Wentworth
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Hamilton-Wentworth Regional Police Force on the 1st day of January, 1974, is subject to the government of the Hamilton-Wentworth Police Board to the same extent as if appointed by the Hamilton-Wentworth Police Board and the Hamilton-Wentworth Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Hamilton-Wentworth Regional Police.

Terms of
employment

(3) Every person who becomes a member of the Hamilton-Wentworth Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Hamilton-Wentworth Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and be entitled to participate in the supplementary plan as may be established either for the Town of Stoney Creek or the Town of Dundas;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Hamilton-Wentworth Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Hamilton-Wentworth Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment further than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Hamilton-Wentworth Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.



(5) Notwithstanding the provisions of clauses *a* and *b* of subsection 3, those members of the police force who participate in the retirement plan established under By-law No. 7970 as amended, of the City of Hamilton, shall continue to participate therein after they become members of the Hamilton-Wentworth Regional Police Force.

Retirement
of present
members of
police of
local
municipality

(6) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Hamilton-Wentworth Police Board in the manner and for the purposes provided in *The Police Act* and the Hamilton-Wentworth Police Board shall be the sole negotiating body to bargain with such committee.

Joint
bargaining
committee

R.S.O. 1970,
c. 351

(7) The first meeting of the bargaining committee and the Hamilton-Wentworth Police Board shall be held not later than the 31st day of December, 1973.

Time of
meeting

(8) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Hamilton-Wentworth Police Board.

Application
of R.S.O.
1970, c. 284

74.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Hamilton-Wentworth Police Board any such land or building that the Hamilton-Wentworth Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Assumption
of buildings

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Sale by
area municipa-
lities
limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

Extension
of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

Building
not used
exclusively
for police
force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommoda-
tion

(7) Where a building vested in a local municipality or local board is used partly by the police force of the regional municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Hamilton-Wentworth Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Hamilton-Wentworth Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(8) At the request of the Hamilton-Wentworth Police Board, ^{Office supplies, etc.} each area municipality, for the use of the Hamilton-Wentworth Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

(9) All signal and communication systems owned by any ^{Signal system transferred} local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Hamilton-Wentworth Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether any land or ^{Settling of doubts} building is used at least 40 per cent for the purposes of a police force, the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and ^{Property to be provided} personal property necessary for the purposes of the Hamilton-Wentworth Police Board.

PART VII

REGIONAL WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1974, the ^{Region to be sole distributor of water} Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and

distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation except the power to establish a public utilities commission.

No area
municipality
to distribute
water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting
of water
supply
facilities

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement.

R.S.O. 1970.
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Water
supply
agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreement
with other
regional
corporation

(7) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part.

PART VIII

REGIONAL SEWAGE WORKS

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage except as provided for in subsection 8 in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Regional Corporation responsible for sanitary sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage except as provided in subsection 8.

No area municipality to collect sanitary sewage

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8 and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of sanitary sewage facilities

(4) The Regional Council shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of the local improvement work.

Regional Corporation liability
R.S.O. 1970, c. 255

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Default

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated

Special rates

part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Agreements

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Land drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption of area municipal land drainage systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising of money by area municipality

(10) An area municipality may,

- (a) pay the amounts chargeable to it under subsection 6 out of its general funds; or
- (b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

R.S.O. 1970,
c. 284

- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and drainage chargeable within an urban service area established in the area municipality under any general or special Act.



(11) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part. Agreement with other regional corporation

(12) Where the whole or any part of any sewage system is vested in the Regional Corporation by the provisions of this Part, or by by-law issued under authority thereof, the Regional Corporation Council may define the estate in land so vested and the area of such land. Where sewage system vested in Regional Corporation



PART IX

FINANCES

78.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*. Interpretation R.S.O. 1970, c. 32

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act. Area municipality deemed municipality under R.S.O. 1970, c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that, Regional Corporation deemed regional municipality

(a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

(b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of moneys not immediately required R.S.O. 1970, c. 284

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Operating
deficit,
County of
Wentworth

(3) The amount by which any operating deficit existing for the County of Wentworth on the 31st day of December, 1973, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipality or municipalities not later than the 30th day of June, 1974.

Operating
surplus, etc.,
County of
Wentworth

(4) Where an operating surplus exists for the County of Wentworth on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation.

Surplus
contribution,
City of
Hamilton

(5) Where an operating surplus exists for the County of Wentworth on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, a sum shall be determined equivalent to,

(a) the audited surplus of the County of Wentworth together with the total of such county's reserves on such date; or

(b) the total of the County's reserves less the audited deficit of the County on such date,

and such sum shall be paid by the City of Hamilton to the Regional Corporation not later than the 30th day of June, 1974.

(6) Notwithstanding subsection 2, in the year 1974, the Regional Council shall transfer to a reserve for working funds ^{Reserve for working funds} an amount equal to the aggregate of,

- (a) the audited surplus of the County of Wentworth together with the total of such county's reserves on such date; or
- (b) the total of such county's reserves less the audited deficit of the county on such date; and
- (c) any amount payable to the Regional Corporation under subsection 5.

(7) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. ^{Application of R.S.O. 1970, cc. 32, 284}

81.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law ^{Apportionment} direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities ^{Idem} in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

(4) The Ministry of Revenue shall revise, equalize and ^{Equalized assessment} weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipalities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not
to apply

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*. Assessment to include valuations on properties for which payments in lieu of taxes paid R.S.O. 1970, c. 284 1971, c. 78 1973, c. ...

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations. Valuation of properties

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient. Levy by-laws

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. Regional levy R.S.O. 1970, c. 32

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2. Payment

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each Equalized assessment of merged areas

such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-
tion of
rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by
Regional
Council
before
estimates
adopted

83.—(1) Notwithstanding section 81, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy.

Idem

(2) Notwithstanding section 81, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

Levy under
s. 81 to be
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81.

(4) Notwithstanding section 82 the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy by
area
municipality
before
estimates
adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82.

Levy under
s. 82 to be
reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application
of R.S.O. 1970,
c. 284, s. 303 (4)

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 81.

Preliminary
assessment

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Notice

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1970,
c. 430

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

Rates for
public school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Regulations
under R.S.O.
1970, c. 425
to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

ADJUSTMENTS

Transitional
adjustments

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality. Allowances to be made in estimates of area municipalities in 1974
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973. Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll. Idem

(4) For the purpose of this section and section 87, the audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall be reduced or increased as the case may be by any payment made by a local municipality under subsections 3 and 5 of section 80. Adjustment for payments under s. 80

87.—(1) In this section “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*. Interpretation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974. Surplus or deficit at December 31, 1973 to be applied to supporting assessment

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of any divided municipality. Arbitration

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint. Idem

Provisional
determina-
tion

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final deter-
mination

(4) As soon as possible, thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970,
c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Period of
adjustment

(8) Notwithstanding the provisions of section 80, 87 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

Reserve
funds of
municipal-
ities

89.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. Idem

90.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds, establishment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Investments and income
R.S.O. 1970, c. 470

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry. Expenditure of reserve fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. Auditor to report on reserve funds

TEMPORARY LOANS

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Current borrowings
R.S.O. 1970, c. 284

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister. Idem

DEBT

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, Debt
R.S.O. 1970, c. 323

(a) the Regional Corporation;

(b) any area municipality;

- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

Uncompleted works

(4) When an area municipality, on or before the 31st day of December, 1973,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

R.S.O. 1970,
c. 470

Power to
incur debt
or issue
debentures

93. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corpora-

by general or special Act, such by-law may be made without the assent of the electors of the Regional Area.

Where, under any general or special Act, an area ^{Idem} cannot incur a debt or issue debentures for a purpose without the assent of its electors or with- concurrence of a specified number of the members of the Regional Council shall not pass a by-law for the issue of debentures on behalf of such area for such purpose unless such assent or con- the passing of the by-law by the Regional Council obtained.

Where subsection 1 requires the assent of any ^{Proviso} where such assent has been dispensed with under of *The Ontario Municipal Board Act*.

R.S.O. 1970,
c. 323

Where the Municipal Board has authorized the ^{Borrowing pending issue and sale of debentures} of money and the issue of debentures by the corporation for its purposes, the Regional Council may issue and sale of the debentures may agree with any person for temporary advances from time to time for expenditures incurred for the purpose authorized, and may pass a by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to borrow money by way of loan on the debentures and to use the same for the loan.

Where the Municipal Board has authorized the borrowing ^{Idem} and the issue of debentures by the Regional Council for the purposes of an area municipality, the Regional Council or the council of the area municipality may issue and sale of the debentures may, and the council on the request of the area municipality may enter into an agreement with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to borrow money by way of loan on the debentures and to use the same for the loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107 shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent
subsequent
sale of
debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special
levy against
area muni-
cipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of

debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

Levies
a debt

By-law to
change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidation

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Consolidating debenture by-laws
R.S.O. 1970,
c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of

the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency (20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates (21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies (22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts (23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. Sinking fund committee

(25) The Regional Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. Alternate members

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. Security
R.S.O. 1970, c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of sinking fund assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals from bank accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. Investments

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. ^{Offence}

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. ^{Where amount in sinking fund account more than sufficient to pay debt}

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account ; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

97.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

When rate
of interest
may be
varied

- (a) a different rate of interest ;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies ;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto ;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures ; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof.

Hypotheca-
tion not a
sale under
this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolida-
tion of
debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments or principal and interest payable by it to the Regional Council.

Special
assessment
and levies

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

Repeal of
by-law when
part only
of money to
be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day

When to
take effect

of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970.
cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the Mechanical reproduction of signatures

debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of
transfer
may be
prescribed

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the

Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Registration of debenture as to principal and interest

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request of sinking fund committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respect shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debenture of same force and effect as debenture surrendered

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds of
debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose

or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

108. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale of hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 107 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

109. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

110.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other rate-payers in the Regional Area.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

114. In 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at more than \$5,000.

PART X

GENERAL

115.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. Deemed municipality for R.S.O. 1970, c. 250, s. 88

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974 and may be amended or repealed by the council of an area municipality as it affects such area municipality. By-laws

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Ontario Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of Idem

December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

Vesting of transportation system assets in Regional Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(10) If the Regional Corporation fails, on or before the due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency measures, civil defence
R.S.O. 1970, c. 284

116.—(1) The Regional Council shall pass by-laws under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act*, and no area municipality shall pass any such by-laws.

Powers of Regional Council re emergency measures

(2) When a by-law passed under subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

R.S.C. 1970, c. W-2
R.S.O. 1970, c. 145

- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed county for R.S.O. 1970, c. 145

117.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. Expenditures for diffusing information

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973. Application of R.S.O. 1970, c. 284

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act. Grants to persons engaged in work advantageous to Regional Area

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Hamilton-Wentworth Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. Payment of damages to employees R.S.O. 1970, c. 505

Investiga-
tion by
county judge
of charges of
malfeasance

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or Judicial District adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

1971, c. 49

Fees payable
to judge
R.S.O. 1970,
c. 228

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Commission
of inquiry

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

When
commission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways, etc.

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. Agreements re services

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1970, c. 32

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof. Interpretation

125. —(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Execution against Regional Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Hamilton-Wentworth (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Function
of clerk,
collector
and assessor

126.—(1) The Corporation of the County of Wentworth is dissolved on the 1st day of January, 1974 and the Regional Corporation shall stand in the place and stead of the County of Wentworth.

County
dissolved

(2) All the assets and liabilities of the County of Wentworth become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Wentworth shall be transferred to the clerk.

Assets and
liabilities,
etc.

(3) The Hamilton-Wentworth Suburban Roads Commission is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof become on such date the assets and liabilities of the Regional Corporation and all records and documents of the said roads commission shall be transferred to the clerk.

Hamilton-
Wentworth
Suburban
Roads
Commission
dissolved

127.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Wentworth.

Powers of
Municipal
Board

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling
of doubts

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board may upon application determine the matter and its decision is final.

Idem

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such

Conditional
powers

acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Act

129.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Wentworth or a local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

130.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of R.S.O. 1970,
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Interpre-
tation

131.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

Waste
disposal
sites

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including

buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B. to arbitrate

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality. Agreement, successor rights

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire Co-ordinator

Existing
speed
limits
continued
R.S.O. 1970,
c. 202

134.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O.
1970, c. 354,
s. 108

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.

Board of
Trustees
deemed
commission

(4) The Board of Trustees of the Police Village of Lynden as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the area of the said police village and be known as the Hydro-Electric Commission of Lynden.

R.S.O. 1970,
c. 390

(5) All the assets and liabilities of and pertaining to the hydro-electric system of the Police Village of Lynden shall be assumed on the 1st day of January, 1974 by the Hydro-Electric Commission of Lynden and the said Commission shall be deemed to be a local board of the Township of Flam-borough.

Assets and liabilities

(6) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions dissolved

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of commission not disqualified as members of Council

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation and park management in a local municipality are dissolved and the assets and liabilities thereof become on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality forms part or is continued, and in the event the area of jurisdiction of any such board is divided between two or more area municipalities, the committee of arbitrators appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Dissolution of boards

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation and parks management board
R.S.O. 1970,
cc. 120, 73

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Acquiring land for parks, etc

R.S.O. 1970,
c. 384

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Sale of spirituous, etc., liquors in parks

R.S.O. 1970,
c. 250

Application
of R.S.O.
1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation
a municipi-
pality under
R.S.O. 1970,
c. 337

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.

Public lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1970,
c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

Payment in
lieu of
taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

Wentworth
County
Library

138. The Minister may by order do all such things as may be necessary to re-establish the Wentworth County Library.

School
division
continued

139. On and after the 1st day of January, 1974, the portion of the Regional Municipality of Hamilton-Wentworth that is not in the City of Hamilton is a school division and The Wentworth County Board of Education is continued subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education of such school division.

Election
R.S.O. 1970,
cc. 425, 430

140. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Wentworth County Board of Education, section 37 of the said Act applies to the election of the members of The Board of Education for the City of Hamilton and section 90 of *The Separate Schools Act* applies to the election of the members of The Wentworth County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1973,

1972, c. 95

- (a) the polling day for the members of The Wentworth County Board of Education and the Board of Education for the City of Hamilton and of The Wentworth County Roman Catholic Separate School Board shall be the 1st day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area and the members elected on such date shall take office on the 1st day of January, 1974, and continue to hold such office until the 31st day of December, 1976;
- (b) the Minister shall, by order provide for nomination and term of office of candidates for The Wentworth County Board of Education and the Board of Education for the City of Hamilton and for The Wentworth County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards;
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973. R.S.O. 1970,
c. 284, s. 244
not to apply

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. Public
library
boards
R.S.O. 1970,
c. 381

143. The Council of the City of Hamilton may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*. Power of
cities in
Regional
Area to
pass by-laws

144.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation. Organization
expenses

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct. Idem

145.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent. Commence-
ment

Idem	(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.
Short title	146. This Act may be cited as <i>The Regional Municipality of Hamilton-Wentworth Act, 1973.</i>

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,.....
 having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Hamilton-Wentworth, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,.....
 having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Hamilton-Wentworth declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of
Hamilton-Wentworth

1st Reading

June 13th, 1973

2nd Reading

June 19th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

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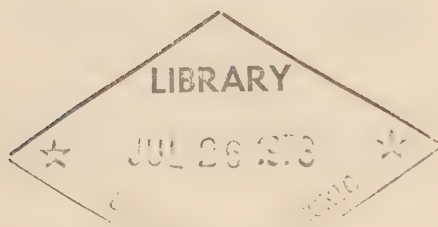
BILL 155

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Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Hamilton-Wentworth**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 155

1973

**An Act to establish
The Regional Municipality
of Hamilton-Wentworth**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Hamilton, the Town of Dundas, the Town of Stoney Creek, the Town of Ancaster, the Township of Flamborough and the Township of Glanbrook, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) “local municipality” means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) “merged area” means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality or a portion of a local municipality constituted as an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) “Ministry” means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) “money by-law” means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) “Municipal Board” means the Ontario Municipal Board;
- (o) “Regional Area”,
 - (i) until the 1st day of January, 1974, means the area included within the County of Wentworth, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;
- (p) “Regional Corporation” means The Regional Municipality of Hamilton-Wentworth;

- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitu-
tion of
area muni-
cipalities

- (a) The City of Hamilton is continued as a city municipality.
- (b) The Town of Dundas is continued as a town municipality and portions of the Township of Ancaster and the Township of West Flamborough, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Ancaster, commencing where the north limit of the present Township of Ancaster intersects the west limit of the present Town of Dundas;

THENCE southerly along the west limit to the south limit of Toronto, Hamilton and Buffalo Railway right-of-way;

THENCE in a generally westerly direction along that limit to the west limit of lot forty-four in the First Concession of the Township of Ancaster;

THENCE in a northerly direction along the west limit of lot forty-four to a point 200 feet south of the south limit of Highway Ninety-nine;

THENCE in a westerly direction along a line 200 feet south of and parallel to the south limit of Highway Ninety-nine to the west limit of Binkley Road;

THENCE northerly along that limit to the north limit of the present Township of Ancaster;

THENCE easterly along that limit to the place of commencement.

SECONDLY, part of the Township of West Flamborough, commencing where the south limit of the Canadian National Railways right-of-way intersects the west limit of the present Town of Dundas;

THENCE southerly and westerly along the limits of the present Town of Dundas to the south limit of the Township of West Flamborough;

THENCE westerly along that limit to the west limit of Binkley Road;

THENCE northerly along that limit to the south limit of the Canadian National Railways right-of-way;

THENCE easterly along that limit to the place of commencement.

THIRDLY, part of the Township of West Flamborough, commencing where the north limit of the present Town of Dundas intersects the line between lots 22 and 23 of the present Township of West Flamborough;

THENCE northerly along that line to a point 250 feet north from the north limit of Patterson Road;

THENCE northeasterly and parallel to the north limit of Patterson Road to the north limit of Old Guelph Road;

THENCE northeasterly along that limit to the east limit of the present Township of West Flamborough;

THENCE southeasterly, southerly and southwesterly along the limits of the present Township of West Flamborough to the east limit of the present Town of Dundas;

THENCE northerly and southwesterly along the limits of the present Town of Dundas to the place of commencement.

(c) The Town of Stoney Creek and the Township of Saltfleet are amalgamated as a town municipality bearing the name of The Corporation of the Town of Stoney Creek.

(d) The Township of Ancaster, save and except that portion annexed to the Town of Dundas is estab-

lished as a town municipality bearing the name of The Corporation of the Town of Ancaster.

- (e) The Township of East Flamborough and the Village of Waterdown are amalgamated as a township municipality bearing the name of The Corporation of the Township of Flamborough and the Township of Beverly and the Township of West Flamborough, save and except that portion annexed to the Town of Dundas from the Township of West Flamborough are annexed to such township.
- (f) The Township of Binbrook and the Township of Glanford are amalgamated as a township municipality bearing the name of The Corporation of the Township of Glanbrook.

(2) The following police villages are dissolved on the 1st day of January, 1974: Dissolution
of police
villages

- 1. The Police Village of Ancaster
- 2. The Police Village of Freulton
- 3. The Police Village of Lynden

(3) For the purposes of every Act, the amalgamations, annexations, and dissolutions provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under section 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. Amalgama-
tions,
annexations,
and dissolu-
tions deemed
by Municipal
Board
orders
R.S.O. 1970,
cc. 323, 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order, Referendum
re area
municipality
names

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b* all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of area
municipal
councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Hamilton—sixteen members elected by wards and a Board of Control composed of four members elected by general vote of the electors of such municipality.
2. The Town of Dundas—Eight members elected by general vote of the electors of such municipality.
3. The Town of Stoney Creek—eleven members elected by wards and one member elected by general vote of the electors of such municipality.
4. The Town of Ancaster—five members elected by wards and one member elected by general vote of the electors of such municipality.
5. The Township of Flamborough—nine members elected by wards and one member elected by general vote of the electors of such municipality.
6. The Township of Glanbrook—six members elected by wards.

First
elections
and term
of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities, and members thereof to represent the area municipality on the Regional Council,

- (a) the Minister may by order divide into wards each area municipality as constituted by section 2, with

the exception of the Town of Dundas, and make provisions for the respective number of members of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

- (i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, and preparation of polling lists, and
- (ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of 1972,} councils of the area municipalities notwithstanding *The c. 95* *Municipal Elections Act, 1972.*

4. The members of the council of each area municipality ^{Organization committee,} elected in the year 1973 shall comprise a committee in their ¹⁹⁷³ respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

5. The expenses of the local municipalities for the election ^{First election expenses} to elect members of the councils of the area municipalities and members and trustees of school boards in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

6.—(1) On the 15th day of October, 1973, the inhabitants ^{Regional Corporation constituted} of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Hamilton-Wentworth".

(2) The Regional Corporation shall be deemed to be a ^{Deemed municipality under} municipality for the purposes of *The Municipal Affairs Act* ^{R.S.O. 1970,} and *The Ontario Municipal Board Act.* ^{cc. 118, 323}

Regional
Area deemed
Judicial
District

R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Hamilton-Wentworth, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Wentworth
deemed
appoint-
ments for
Judicial
District of
Hamilton-
Wentworth

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Wentworth shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974 in and for the Judicial District of Hamilton-Wentworth.

Regional
Council to
exercise
corporate
powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of twenty-eight members composed of a chairman and,

- (a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) the Board of Control and twelve members of council from the City of Hamilton elected by such council;
- (c) one member of council from the Town of Dundas elected by general vote of the electors of the said area municipality as a member of the Regional Council and the council of such area municipality;
- (d) one member of council from the Town of Stoney Creek elected by general vote of the electors of

such area municipality as a member of the Regional Council and the council of such area municipality;

- (e) one member of council from the Town of Ancaster elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (f) one member of council from the Township of Flam-borough elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (g) one member of council from the Township of Glan-brook elected by such council as a member of the Regional Council.

(2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1973, 1974, 1975 and 1976. Term of office

(3) In the year 1973, the committee, established by section 4, for each area municipality which is required to elect a member or members to the Regional Council from amongst its own council members, shall meet to do so on or before the 8th day of October, 1973, and in the year 1977 and in every second year thereafter, the council of such area municipality shall at its first meeting in each such year elect its members to the Regional Council. Election of members to Regional Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman is a member of area council

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting
in 1973

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

First
meeting of
area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the years 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meeting in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate
of qualifi-
cation

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and declara-
tion of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office R.S.O. 1970, c. 284

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When Council deemed organized

11.—(1) Fifteen members of the Regional Council representing three area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman, vote

12. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. Place of meeting

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council shall appoint a successor to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of Other members

the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.

Resignation (5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.

Where head of council incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of the council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration **14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

Idem (2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees **15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remuneration of committee chairman (2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.

Procedural by-laws **16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council **17.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief administrative officer (2) The Regional Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of

the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* Application of R.S.O. 1970, c. 284 applies to a chief administrative officer appointed under subsection 2 of this section.

18. When the chairman is absent from the Regional Area Acting chairman or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to Application of R.S.O. 1970, c. 284 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* Idem apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

20.—(1) The Regional Council shall appoint a clerk, Appointment of clerk whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk,
first
meeting

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

(3) When the office of treasurer is vacant or the treasurer ^{Acting treasurer} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

23.—(1) The treasurer shall receive and safely keep ^{Receipt and disbursement of money} all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the ^{Petty cash fund} treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this ^{When member may be paid} Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*, c. 142.

(5) The treasurer is not liable for money paid by him in ^{Treasurer's liability limited} accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer ^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks

of Canada or at such other place of deposit as may be approved by the Regional Council;

- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

(4) An auditor shall perform such duties as are prescribed ^{Duties of auditors} by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

27.—(1) Where the Regional Corporation or a local board ^{Pensions} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or a local board ^{Idem} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board ^{Sick leave credits} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board thereof ^{Holidays} is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or local board thereof, shall during the first year of his employment by the Regional

Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
employment

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by the County of Wentworth or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973.

Entitlement
to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Application
of R.S.O.
1970, c. 324

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

(11) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

REGIONAL ROAD SYSTEM

28. In this Part,

Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Wentworth and the Hamilton-Wentworth Suburban Roads Commission shall constitute the regional road system.

County
roads to
constitute
regional
road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Adding or
removing
roads by
by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed

Transfer of
provincial
highway to
Regional
Corporation

- R.S.O. 1970,
c. 201
- to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.
- Vesting of
roads in
regional
road system
- (4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.
- Removal of
roads in
regional
road system
- (5) The Lieutenant Governor in Council may remove any road from the regional road system.
- Roads
removed
from
system
- (6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.
- Status
of land
acquired for
widening
regional
road
- (7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.
- Idem
- (8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.
- Consolidat-
ing by-laws
- (9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.
- Approval
of by-laws
- (10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

(11) *The Regulations Act* does not apply to an order in council made under this section. Application of R.S.O. 1970, c. 410

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. Plans of construction and maintenance

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. Furnishing of information to Minister

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. Contribution towards expenditures R.S.O. 1970, c. 201

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. Maintenance and repair

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed either by statute, by-law, contract or otherwise upon The Corporation of the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. Power over roads assumed

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. Sidewalks excepted R.S.O. 1970, c. 284

Area municipalities may construct sidewalks, etc.

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

How cost provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Area municipality to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970, c. 201, s. 97 (4) not to apply

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation of traffic control devices

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. Intersection of other roads by regional road

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under subsection 2 of section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. New roads R.S.O. 1970, c. 284

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways. Powers and liabilities of Regional Corporation R.S.O. 1970, cc. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service. Establishment of bus lanes

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of, Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic

Signal-light
devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution
toward cost
of signal-
lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic
control
within 100
feet of
regional
roads
R.S.O. 1970,
c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements
for
pedestrian
walks

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes
as to main-
tenance, etc.,
of bridges and
highways
R.S.O. 1970,
c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing by
O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Term of
order

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
area municipi-
palities
R.S.O. 1970,
c. 284

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict
with local
by-laws

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person, including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final. Practice and procedure on appeal

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 323, s. 95 not to apply

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private roads, etc., opening upon regional controlled-access road

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48. Notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be, Compensation

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

Regional
liability
where road
forms part
of system

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing such agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
roads
commissioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional system.

Application
of R.S.O.
1970, c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
Area
R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be a joint planning area under *The Planning Act* to be known as the Hamilton-Wentworth Planning Area.

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Hamilton-Wentworth Planning Area. Designated municipality R.S.O. 1970, c. 349

(3) All planning areas and subsidiary planning areas that are included in the Hamilton-Wentworth Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973. Planning areas dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board. Area municipalities subsidiary planning areas

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area. Proviso

(6) When the Minister has approved an official plan adopted by the Regional Council, Effect of official plan

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Hamilton-Wentworth Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Hamilton-Wentworth Planning Area, and without limiting the generality of the foregoing shall, Planning duties of Regional Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Hamilton-Wentworth Planning Area;

(b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Hamilton-Wentworth Planning Area;

(c) consult with any local board having jurisdiction within the Hamilton-Wentworth Planning Area;

- Official plan (2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.
- Appointment of planning staff (3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.
- Regional Corporation deemed municipality under R.S.O. 1970, c. 349 (4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.
- Idem (5) The Regional Corporation shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.
- Agreements re plans of subdivision (6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.
- Agreements re special studies (7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Hamilton-Wentworth Planning Area or any part thereof.
- Delegation of Minister's powers (8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.
- Committees of adjustment (9) All committees of adjustment heretofore constituted by the council of a local municipality in the Hamilton-Wentworth Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.
- Land division committee (10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons, not fewer than three, as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.
- Application of R.S.O. 1970, c. 349 **56.** Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability
for hospital-
ization of
indigents
R.S.O. 1970,
cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Wentworth.

Existing
liabilities
transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974.

Proviso

58.—(1) The Regional Council shall be responsible for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of all public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Aid to
hospitals

(2) The Regional Council shall be responsible for making all municipal appointments to the board of any public hospital in the Regional Area.

Regional
Council to
make
municipal
appoint-
ments to
board

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payment of
principal
and interest
to area muni-
cipalities

(4) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Hospital
costs form
part of
regional levy

Regional
Area to be
health unit
R.S.O. 1970,
c. 377

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Hamilton-Wentworth Regional Board of Health.

Dissolution
of Hamilton-
Wentworth
health unit

(2) The health unit serving the County of Wentworth and the City of Hamilton on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Hamilton-Wentworth Regional Board of Health.

Boundaries
of health unit

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974, the Hamilton-Wentworth Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
members

(2) The members of the Hamilton-Wentworth Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Hamilton-Wentworth Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Regional
Corporation
deemed city
under R.S.O.
1970, cc. 21,
270, 422, 490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*

4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

Regional Corporation deemed county under R.S.O. 1970, cc. 104, 192, 203

1. *The Day Nurseries Act.*

2. *The General Welfare Assistance Act.*

3. *The Homemakers and Nurses Services Act.*

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability for homes for aged R.S.O. 1970, c. 206

(2) The homes for the aged known as Wentworth Lodge and Macassa Lodge and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Homes for aged vested in Regional Corporation

(3) The Regional Corporation shall pay to The Corporation of the City of Hamilton on or before the due date all amounts of principal and interest becoming due upon any outstanding debt in respect of Macassa Lodge.

Existing debt

(4) If the Regional Corporation fails to make any payment as required by subsection 3, the City of Hamilton may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the City determines from such date until payment is made.

Default

63.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of other homes for aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional Corporation deemed municipality under R.S.O. 1970, c. 64

Existing
liabilities
transferred
1965, c. 14

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability
under order
made under
R.S.O. 1970,
c. J-3

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

68. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

70. In this Part, "Hamilton-Wentworth Police Board" means the Hamilton-Wentworth Regional Board of Commissioners of Police.

Hamilton-
Wentworth
Regional
Board
established
R.S.O. 1970,
c. 351

71.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973, a board of commissioners of police shall be constituted to be known as the Hamilton-Wentworth Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and

- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Hamilton-Wentworth Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Hamilton-Wentworth Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

72.—(1) On and after the 1st day of January, 1974,

Regional
Corporation
deemed
city under
R.S.O. 1970,
c. 351

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

- (b) *The Police Act* does not apply to any area municipality; and

- (c) the Hamilton-Wentworth Police Board and the members of the Hamilton-Wentworth Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws of any area municipality, shall where prosecuted by the Hamilton-Wentworth Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Hamilton-Wentworth Regional Police Force, and the provisions of subsections 4 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, exclusive of rank, less favourable than those he was receiving from the local municipality.

Area police
force

Hamilton-
Wentworth
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Hamilton-Wentworth Regional Police Force on the 1st day of January, 1974, is subject to the government of the Hamilton-Wentworth Police Board to the same extent as if appointed by the Hamilton-Wentworth Police Board and the Hamilton-Wentworth Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Hamilton-Wentworth Regional Police.

Terms of
employment

(3) Every person who becomes a member of the Hamilton-Wentworth Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Hamilton-Wentworth Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and be entitled to participate in the supplementary plan as may be established either for the Town of Stoney Creek or the Town of Dundas;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Hamilton-Wentworth Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Hamilton-Wentworth Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment further than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Hamilton-Wentworth Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

(5) Notwithstanding the provisions of clauses *a* and *b* of subsection 3, those members of the police force who participate in the retirement plan established under By-law No. 7970 as amended, of the City of Hamilton, shall continue to participate therein after they become members of the Hamilton-Wentworth Regional Police Force. Retirement of present members of police of local municipality

(6) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Hamilton-Wentworth Police Board in the manner and for the purposes provided in *The Police Act* and the Hamilton-Wentworth Police Board shall be the sole negotiating body to bargain with such committee. Joint bargaining committee
R.S.O. 1970, c. 351

(7) The first meeting of the bargaining committee and the Hamilton-Wentworth Police Board shall be held not later than the 31st day of December, 1973. Time of meeting

(8) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Hamilton-Wentworth Police Board. Application of R.S.O. 1970, c. 284

74.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Hamilton-Wentworth Police Board any such land or building that the Hamilton-Wentworth Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. Assumption of buildings

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommoda-
tion

(7) Where a building vested in a local municipality or local board is used partly by the police force of the regional municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Hamilton-Wentworth Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Hamilton-Wentworth Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(8) At the request of the Hamilton-Wentworth Police Board, ^{Office supplies, etc.} each area municipality, for the use of the Hamilton-Wentworth Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

(9) All signal and communication systems owned by any ^{Signal system transferred} local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Hamilton-Wentworth Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether any land or ^{Settling of doubts} building is used at least 40 per cent for the purposes of a police force, the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and ^{Property to be provided} personal property necessary for the purposes of the Hamilton-Wentworth Police Board.

PART VII

REGIONAL WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1974, the ^{Region to be sole distributor of water} Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and

distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation except the power to establish a public utilities commission.

No area
municipality
to distribute
water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting
of water
supply
facilities

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement.

R.S.O. 1970,
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Water
supply
agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreement
with other
regional
corporation

(7) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part.

PART VIII

REGIONAL SEWAGE WORKS

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage except as provided for in subsection 8 in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Regional Corporation responsible for sanitary sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage except as provided in subsection 8.

No area municipality to collect sanitary sewage

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8 and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of sanitary sewage facilities

(4) The Regional Council shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of the local improvement work.

Regional Corporation liability

R.S.O. 1970, c. 255

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Default

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated

Special rates

part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Agreements

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Land drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of area
municipal
land drainage
systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising of
money by
area
municipality

(10) An area municipality may,

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

R.S.O. 1970,
c. 284

- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and drainage chargeable within an urban service area established in the area municipality under any general or special Act.

(11) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part.

Agreement
with other
regional
corporation

(12) Where the whole or any part of any sewage system is vested in the Regional Corporation by the provisions of this Part, or by by-law issued under authority thereof, the Regional Council may define the estate in land so vested and the area of such land.

Where sewage
system
vested in
Regional
Corporation

PART IX

FINANCES

78.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Interpre-
tation
R.S.O. 1970,
c. 32

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Area muni-
cipality
deemed
municipality
under R.S.O.
1970, c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Regional
Corporation
deemed
regional
municipality

- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Investment
of moneys not
immediately
required
R.S.O. 1970,
c. 284

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Operating
deficit,
County of
Wentworth

(3) The amount by which any operating deficit existing for the County of Wentworth on the 31st day of December, 1973, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipality or municipalities not later than the 30th day of June, 1974.

Operating
surplus, etc.,
County of
Wentworth

(4) Where an operating surplus exists for the County of Wentworth on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation.

Surplus
contribution,
City of
Hamilton

(5) Where an operating surplus exists for the County of Wentworth on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, a sum shall be determined equivalent to,

- (a) the audited surplus of the County of Wentworth together with the total of such county's reserves on such date; or
- (b) the total of the County's reserves less the audited deficit of the County on such date,

and such sum shall be paid by the City of Hamilton to the Regional Corporation not later than the 30th day of June, 1974.

(6) Notwithstanding subsection 2, in the year 1974, the Regional Council shall transfer to a reserve for working funds ^{Reserve for working funds} an amount equal to the aggregate of,

- (a) the audited surplus of the County of Wentworth together with the total of such county's reserves on such date; or
- (b) the total of such county's reserves less the audited deficit of the county on such date; and
- (c) any amount payable to the Regional Corporation under subsection 5.

(7) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. ^{Application of R.S.O. 1970, cc. 32, 284}

81.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law ^{Apportionment} direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. ^{Idem}

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. ^{Equalized assessment}

Copy to
Regional
Corporation
and area
municipi-
palities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not
to apply

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*. Assessment to include valuations on properties for which payments in lieu of taxes paid
R.S.O. 1970, c. 284
1971, c. 78
1973, c. ...

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations. Valuation of properties

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient. Levy by-laws

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. Regional levy
R.S.O. 1970, c. 32

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2. Payment

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each Equalized assessment of merged areas

such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-
tion of
rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by
Regional
Council
before
estimates
adopted

83.—(1) Notwithstanding section 81, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy.

Idem

(2) Notwithstanding section 81, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

Levy under
s. 81 to be
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81.

(4) Notwithstanding section 82 the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy by
area
municipality
before
estimates
adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82.

Levy under
s. 82 to be
reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application
of R.S.O. 1970,
c. 284, s. 303 (4)

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 81.

Preliminary
assessment

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Notice

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1970,
c. 430

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

Rates for
public school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Regulations
under R.S.O.
1970, c. 425
to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

ADJUSTMENTS

Transitional
adjustments

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1974
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

(4) For the purpose of this section and section 87, the audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall be reduced or increased as the case may be by any payment made by a local municipality under subsections 3 and 5 of section 80.

Adjustment for payments under s. 80

87.—(1) In this section “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Interpretation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Surplus or deficit at December 31, 1973 to be applied to supporting assessment

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of any divided municipality.

Arbitration

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Idem

Provisional
determina-
tion

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final deter-
mination

(4) As soon as possible, thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970,
c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Period of
adjustment

(8) Notwithstanding the provisions of section 80, 87 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

Reserve
funds of
municipalities

89.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. Idem

90.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds, establishment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Investments and income
R.S.O. 1970, c. 470

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry. Expenditure of reserve fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. Auditor to report on reserve funds

TEMPORARY LOANS

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Current borrowings
R.S.O. 1970, c. 284

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister. Idem

DEBT

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, Debt
R.S.O. 1970, c. 323

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

Uncompleted works

(4) When an area municipality, on or before the 31st day of December, 1973,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

Bonds, debentures, etc., trustee investments

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

R.S.O. 1970,
c. 470

Power to incur debt or issue debentures

93. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corpora-

tion may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

94.—(1) Where, under any general or special Act, an area ^{Idem} municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

(2) Nothing in subsection 1 requires the assent of any ^{Proviso} electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

R.S.O. 1970,
c. 323

95.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the ^{Borrowing pending issue and sale of debentures} Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing ^{Idem} of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The Regional Corporation may charge interest on any ^{Interest on proceeds transferred} proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107 shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent
subsequent
sale of
debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special
levy against
area muni-
cipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of

debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

Levies
a debt

By-law to
change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Consolidation
Consolidating debenture by-laws
R.S.O. 1970,
c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of

the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency (20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates (21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies (22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts (23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. ^{Sinking fund committee}

(25) The Regional Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. ^{Chairman}

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. ^{Security} R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. ^{Quorum}

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. ^{Control of sinking fund assets}

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. ^{Withdrawals from bank accounts}

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. ^{Investments}

Idem (32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- R.S.O. 1970,
c. 470
- (a) in securities in which a trustee may invest under *The Trustee Act*;
 - (b) in debentures of the Regional Corporation;
 - (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
 - (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of securities with Treasurer of Ontario (33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of securities by Treasurer of Ontario (34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking fund accounts (35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings credited to sinking fund accounts (36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare ^{Sinking fund require-} and lay before the Regional Council in each year, before the ^{ments} annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

(38) If the treasurer of the Regional Corporation contravenes ^{Offence} subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

(39) If the Regional Council neglects in any year to levy ^{Failure to levy} the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law if it ^{Where amount in sinking fund account more than sufficient to pay debt} appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund ^{No diversion of sinking funds} shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

(42) When there is a surplus in a sinking fund account, ^{Surplus} the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account ; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

97.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments or principal and interest payable by it to the Regional Council. Special assessment and levies

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day When to take effect

of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application
to quash
registered
by law, when
to be made
R.S.O. 1970,
cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the Mechanical reproduction of signatures

debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of
transfer
may be
prescribed

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect :

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the

Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Registration of debenture as to principal and interest

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request of sinking fund committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respect shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debenture of same force and effect as debenture surrendered

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds of
debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose

or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

108. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale of hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 107 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

Use of
proceeds of
sale of asset
acquired
from
proceeds of
sale of
debentures

109. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders for
debentures

110.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,
 distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and
- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other rate-payers in the Regional Area.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

114. In 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at more than \$5,000.

PART X

GENERAL

115.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of R.S.O.
1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Deemed
city under
R.S.O. 1970,
c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Erections,
annexations
and amal-
gamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses,
etc.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Delegation
of approval

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

Deemed
municipality
for R.S.O.
1970, c. 250, s. 88

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974 and may be amended or repealed by the council of an area municipality as it affects such area municipality.

By-laws

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Ontario Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of

Idem

December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(10) If the Regional Corporation fails, on or before the due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency
measures,
civil defence
R.S.O. 1970,
c. 284

116.—(1) The Regional Council shall pass by-laws under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act*, and no area municipality shall pass any such by-laws.

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

R.S.C. 1970,
c. W-2
R.S.O. 1970,
c. 145

- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed county for R.S.O. 1970, c. 145

117.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. Expenditures for diffusing information

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973. Application of R.S.O. 1970, c. 284

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act. Grants to persons engaged in work advantageous to Regional Area

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Hamilton-Wentworth Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. Payment of damages to employees R.S.O. 1970, c. 505

Investigation by
county judge
of charges of
malfeasance

1971, c. 49

Fees payable
to judge
R.S.O. 1970,
c. 228

Engaging
counsel

Idem

Commission
of inquiry

When
commission
may issue

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or Judicial District adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways, etc.

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. Agreements re services

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1970, c. 32

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof. Interpretation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Execution against Regional Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Hamilton-Wentworth (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Function
of clerk,
collector
and assessor

126.—(1) The Corporation of the County of Wentworth is dissolved on the 1st day of January, 1974 and the Regional Corporation shall stand in the place and stead of the County of Wentworth.

County
dissolved

(2) All the assets and liabilities of the County of Wentworth become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Wentworth shall be transferred to the clerk.

Assets and
liabilities,
etc.

(3) The Hamilton-Wentworth Suburban Roads Commission is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof become on such date the assets and liabilities of the Regional Corporation and all records and documents of the said roads commission shall be transferred to the clerk.

Hamilton-
Wentworth
Suburban
Roads
Commission
dissolved

127.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Wentworth.

Powers of
Municipal
Board

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling
of doubts

R.S.O. 1970,
c. 323

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board may upon application determine the matter and its decision is final.

Idem

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such

Conditional
powers

acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Act

129.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Wentworth or a local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

130.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of R.S.O. 1970,
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Interpre-
tation

131.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

Waste
disposal
sites

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including

buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Payments to
parent and
subsidiary
area mun-
icipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

O.M.B. to
arbitrate

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

Application
of
R.S.O. 1970,
c. 284, s. 384

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Agreement,
successor
rights

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Fire
Co-ordinator

Existing
speed
limits
continued
R.S.O. 1970,
c. 202

134.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O.
1970, c. 354,
s. 108

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.

Board of
Trustees
deemed
commission

(4) The Board of Trustees of the Police Village of Lynden as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the area of the said police village and be known as the Hydro-Electric Commission of Lynden.

R.S.O. 1970,
c. 390

(5) All the assets and liabilities of and pertaining to the hydro-electric system of the Police Village of Lynden shall be assumed on the 1st day of January, 1974 by the Hydro-Electric Commission of Lynden and the said Commission shall be deemed to be a local board of the Township of Flam-borough.

Assets and
liabilities

(6) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions
dissolved

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of
commission
not dis-
qualified as
members of
Council

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation and park management in a local municipality are dissolved and the assets and liabilities thereof become on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality forms part or is continued, and in the event the area of jurisdiction of any such board is divided between two or more area municipalities, the committee of arbitrators appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Dissolution
of boards

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation
and parks
management
board
R.S.O. 1970,
cc. 120, 73

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Acquiring
land for
parks, etc

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1970,
c. 250

Application
of R.S.O.
1970, c. 284

Regional
Corporation
a municipi-
pality under
R.S.O. 1970,
c. 337

Public lands
owned by
conservation
authority

R.S.O. 1970,
c. 202

Payment in
lieu of
taxes

Wentworth
County
Library

School
division
continued

Election
R.S.O. 1970,
cc. 425, 430

1972, c. 95

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

138. The Minister may by order do all such things as may be necessary to re-establish the Wentworth County Library.

139. On and after the 1st day of January, 1974, the portion of the Regional Municipality of Hamilton-Wentworth that is not in the City of Hamilton is a school division and The Wentworth County Board of Education is continued subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education of such school division.

140. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Wentworth County Board of Education, section 37 of the said Act applies to the election of the members of The Board of Education for the City of Hamilton and section 90 of *The Separate Schools Act* applies to the election of the members of The Wentworth County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act*, 1972, in the year 1973,

- (a) the polling day for the members of The Wentworth County Board of Education and the Board of Education for the City of Hamilton and of The Wentworth County Roman Catholic Separate School Board shall be the 1st day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area and the members elected on such date shall take office on the 1st day of January, 1974, and continue to hold such office until the 31st day of December, 1976;
- (b) the Minister shall, by order provide for nomination and term of office of candidates for The Wentworth County Board of Education and the Board of Education for the City of Hamilton and for The Wentworth County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973. R.S.O. 1970, c. 284, s. 244 not to apply

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. Public library boards R.S.O. 1970, c. 381

143. The Council of the City of Hamilton may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*. Power of cities in Regional Area to pass by-laws

144.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation. Organization expenses

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct. Idem

145.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent. Commencement

Idem (2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.

Short title **146.** This Act may be cited as *The Regional Municipality of Hamilton-Wentworth Act, 1973.*

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Hamilton-Wentworth, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Hamilton-Wentworth declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of
Hamilton-Wentworth

1st Reading

June 13th, 1973

2nd Reading

June 19th, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

